



THE
INTERPRETER

John OF *Law*
Words and Terms,

Used either in the

Common or Statute Laws

OF THIS

REALM,

AND

In Tenures and Jocular Customs:

WITH AN

APPENDIX,

Containing the Antient Names of Places in *England*,
very Necessary for the Use of all Young Students,
that converse with Antient Deeds, Charters, &c.

First Publish'd by the Learned Dr. COWEL, in the Year 1607.
and continu'd by THO. MANLEY of the *Middle Temple*, Esq;
to the Year 1684.

Now further Augmented and Improv'd, by the Addition of many
Thousand Words, as are found in our Histories, Antiquities, Cartu-
laries, Rolls, Registers, and other Manuscript Records, not hitherto
Explain'd in any Dictionary.

LONDON:

Printed for J. PLACE, at *Furnivals-Inn-gate* in *Holborn*, A. & J. CHURCHIL,
at the *Black-Swan* in *Pater-noster-Row*, and R. SARE, at *Grays-Inn-gate*
in *Holborn*, 1701.

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The PREFACE to the last Edition by Mr. Manley.

I Shall not Apologize for this Work, as knowing it to be more convenient to leave it to the Judgment of learned Readers, whose Understanding knows how to set a Value upon Laborious Improvements: Yet in regard it hath been the Method by Others taken up, and is indeed somewhat in the Mode, I think it not amiss to follow in a beaten Track and to render You in short the Reasons inducing me to Undertake, what, I hope, I may without Boast say I have Endeavoured to perform.

The Ground-Work upon which I Build, is Cowell's Interpreter, an Excellent Book both as to its Matter and Composition, and did not deserve that severe Arraignment that it hath of late suffered: Those intermixtures of His in the Civil Law being absolutely necessary to be known, by him who would have the Repute of a learned and well read Common Lawyer; and his few Defects (for they are not many for so great an Undertaking) might, at least, after so many Years have been passed over in silence. And let Others boast of themselves what they please; I am not ashamed to own Him, and to acknowledge, that I only follow and make more publicly useful that Path which his Industry first laid Open to us: Wherein to use his own words, That whoever shall observe most Faults therein, I, by gleaning after, will Collect as many omitted by him, as he shall shew committed by me.

'Tis true, I have drawn in whatever I could find considerable either in other Authors, or could attain from any Persons Learned, not sparing Pains to search into the Cabinets of Antiquity; So that, I hope, in this Collection will be found whatever is most desirable for attaining Knowledge in this kind.

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I have in the perusing Cowell, omitted several Matters, as unfit for the time; contracted and abbreviated Others; In some places commenting upon, and dilucidating his Matter, and adding thereto what of the Law hath been either new made, or altered since his time; so that his Defects therein are supplied.

I have also gleaned after the Book, intituled, The Law Dictionary, wherein are many things, which I have hinted, as every ingenious Reader will discern, but withall, have added some Centuries of words therein totally omitted.

As for Etymologies, I have followed the course laid open before me, retaining such as were apt, amending some that were a little too wide, rejecting others that seemed impertinent, and in their places inserting what seems more agreeable to that sort of Learning; in all places avoiding, as much as possible, the impropriety of extracting terms from two different Languages.

I have reserved to it the former Name, and call it The Interpreter, which is most proper, as opening those obscure terms which otherwise are with great difficulty understood, although the Students of the Law be no Tyroes in other Learning; or, at least, ought not to be, for a Lawyer should profess Philosophy: And this Book thus compleated, I hope will attain the end aimed at, viz. To be most useful and advantageous not only to the Students of the Law, but to all Gentlemen who are desirous to improve their Knowledge; which I dare assure them, if with diligence they peruse the same.

I need not subjoyn the Characters of any other Language used therein, because I write to the Learned, nor anticipate them with Advertisements; but leave the whole to their more discerning Judgments, to find the same in their proper places.

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THere is only this Justice due to the Reader, to give a plain Account of the first Author, and of the present Improvements of this Work. The first Author was Dr. John Cowell, born in Devonshire, (a) and bred at Eaton School, where by good Parts and agreeable Industry, He distinguished himself from other Boys, and appear'd worthy to be elected a Scholar of Kings College in Cambridge, 1570. possibly committed to the Tuition of his Name-sake and Relation John Cowell, Fellow of that House, who had been one of the University Proctors in the year 1561. (b) Our Author seems here to have applied himself heartily to Books, and a good Digestion of them. By which studious and virtuous course of Life, He grew up to so much Reputation and Interest in the University, that he had the Honour to be chose One of the Proctors for the year 1585. And having past the two Degrees in Arts, He applied himself to the Study of the Civil Law, by the advice and importunity of that eminent and active Prelate Richard Bancroft, then Bishop of London; (c) who had Judgment to find the Genius of our Author, and knew the great necessity our Church was in, to have Men of Abilities and Integrity in that Profession. Being regularly admitted to the Degree of Doctor of Laws in his own University. He made a Visit to Oxford in the year 1600. where he was incorporated by the same honourable Title LL.D. (d) His Reputation was now so established, that the Government thought it Justice to prefer him: He was made the King's Majesties Professor of the Civil Law in the University of Cambridge: and near the same time Master of Trinity-Hall, which two Stations in that Place of Residence, had as much Honour and Profit, as were possible to be there bestow'd on a Man of that Profession. He executed the Office of Vice-Chancellor of Cambridge 1603, 1604.

His chief Patron Bishop Bancroft was advanc'd to the See of Canterbury in December, 1604. where projecting many things for the Interest and Honour of the Church and State, He knew the greatest Art in promoting publick Service, was to employ Men in their own Way. Upon this motive, he solicited Dr. Cowell (e) to shew himself an Antiquary, and an useful Man, by giving the Interpretation of such Words and Terms, as created most difficulty to the Students of our Ecclesiastical, Civil, and Common Laws.

The Doctor would not dispute the Archbishops Authority, nor excuse himself from serving the Publick: And therefore fell upon the Work with so much Edge and Application, that in proper time he put his Collections into fit method, and publish'd them in Quarto at Cambridge under this Title:

The INTERPRETER, or Book containing the Signification of Words: wherein is set forth the true meaning of all, or the most part of such Words and Terms, as are mentioned in the Law Writers, or Statutes of this Victorious and Renowned Kingdom, requiring any Exposition or Interpretation. A Work not only Profitable, but Necessary for such as desire thoroughly to be instructed in the Knowledge of our Laws, Statutes, or other Antiquities. Collected by John Cowell Doctor, and the King's Majesties Professour of the Civil Law in the University of Cambridge. *In legum obscuritate captio.* At Cambridge, Printed by John Legate, Anno 1607.

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(a) Catal. Soc. Coll. Reg. Cantab. MS. (b) Fasti Cantab. MS (c) Epist. Dedicat. to the Interpreter, 1607. (d) Wood Athen. Oxon. Vol. 1. p. 784. (e) Epist. Dedic. to Interpreter, 1607.

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The Author thought it Justice and Gratitude to commend his Book to that Patron, by whose advice and encouragement he wrote it : and therefore prefix'd this modest Dedication.

To the most Reverend Father in God his especial good Lord, the Lord Archbishop of Canterbury, Primate and Metropolitan of all England, and one of his Majesties most Honourable Privy Council.

“ **A**FTER long deliberation, I hardly induced my self to crave your gracious protection toward this simple Work : Valuing it at so low a price, as I think it hardly worth the respect of any grave Man, much less the favourable aspect of so Honourable a Personage. Yet the remembrance of those your honourable Provocations, whereby, at my coming to your Grace from the University, you first put me upon these Studies, at the last by a kind of necessity inforced me to this Attempt ; because I could not see how well to avoid it, but by adventuring the hateful note of Unthankfulness. For I cannot without Dissimulation, but confess my self perswaded, that this poor Pamphlet may prove profitable to the young Students of both Laws, to whose advancement that way, I have of late addicted mine endeavours ; else were I more than mad to offer it to the World and offer it without mention of him, that by occasioning of this good, more or less, deserveth the prime thanks, were to prove my self unworthy of so grave Advice.

“ And therefore howsoever I account this too much boldness in respect of the Subject, yet could I be exceedingly glad, it might please your Grace to ascribe mine intention to the integrity of my Duty. For he that meaneth truly well, and cannot perform much : must needs rejoyce at the good acceptance of that little which he performeth.

“ All I crave for this at your Graces hands, is Patience and Pardon for this Enterprize, with the continuance of those your many Favours, that hitherto to my great comfort I have enjoyed. And so my long observation of your judicious Disposition, having taught me, what small delight you take in affected Complements, and Verbal Commendation, without more Words, in all true humbleness, I beseech the Almighty long to continue your Grace in Health and Prosperity, to his Glory, and the good of his Church.

Your Graces at all Commandment,

JOHN COWELL.

He prefix'd likewise to this First Edition, a Preface to the Readers, which being omitted in later Editions, is the more proper to be now inserted. Any Reader that has a relish in these matters, will be content that first Draughts and Originals, should be recover'd and preserv'd.

To the Readers.

GENTLE Readers, I here offer my self to your Censures, with no other desire, then by you to be admonished of my Faults. For though I do profess the amplifying of their Works, that have gone before me in this kind, and have both gathered at home, and brought from abroad some Ornaments for the better Embellishing of our English Laws ; yet am I neither so vain, as to deny my Imperfections, nor so passionate, as to be offended at your

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your Charitable Reformation. Nay, my true end is the advancement of Knowledge; and therefore have I published this poor Work, not only to impart the Good thereof to those young Ones that want it; but also to draw from the Learned the supply of my defects: and so by degrees, if not my self to finish this Model, yet at the least by the heat of Emulation to incense some Skillfuller Architect thereunto. Yea I shall think my pains sufficiently recompensed, if they may be found but worthy to stir up one Learned Man to amend mine Errors.

The Civilians of other Nations have by their mutual industries raised this kind of Work in their Profession, to an unexpected Excellency. I have seen many of them that have bestowed very profitable and commendable pains therein: and lastly one *Calvinus* a Doctor of *Heidelberge*, like a Laborious Bee, hath gathered from all the former, the best Juice of their Flowers, and made up a Hive full of delectable Hony. And by this Example would I gladly incite the Learned in our Common Laws and Antiquities of *England*, yet to lend their advice, to the gaining of some comfortable Lights and Prospects toward the beautifying of this Antient Palace, that hitherto hath been accompted (howsoever substantial) yet but dark and melancholy.

Whosoever will charge these my Travels with many oversights, he shall need no solemn pains to prove them, for I will easily confess them. And upon my view taken of this Book sithence the Impression, I dare assure them that shall observe most Faults therein, that I by gleaning after him, will gather as many omitted by him, as he shall shew committed by me. But I learned long sithence out of famous *Tullie*, that as no Man's Errors ought to be followed, because he saith some things well: so that which a Man saith well, is not to be rejected because he hath some Errors. No Man, no Book is void of Imperfections. And therefore reprehend who will in God's Name, that is with sweetness and without reproach. So shall he reap hearty thanks at my hands, and by true imitation of the most Judicious that ever wrote, more soundly help on this point of Learning to perfection in a few Months, then I by tossing and tumbling my Books at home, could possibly have done in many Years. Experience hath taught me in this my *Institutes* lately set forth, by publishing whereof I have gained the judicious observations of divers Learned Gentlemen upon them; which by keeping them private I could never have procured. By which means I hope one day to commend them to you again in a more exact purity, and so leave them to future times for such acceptance as it shall please God to give them.

I have in some towardness a Tract (*De Regulis Juris*) wherein my intent is, by collating the Cases of both Laws to shew, that they both be raised of one Foundation, and differ more in Language and Terms then in Substance, and therefore were they reduced to one method (as they easily might) to be attained (in a manner) with all one pains. But my time imparted to these Studies being but stolen from mine Employments of greater necessity, I cannot make the hast I desire, or perhaps that the Discourse may deserve Wherefore untill my leisure may serve to perform that, I intreat you lovingly to accept this.

One thing I have done in this Book, whereof, because it may seem strange to some, I think to yield my reason, and that is the inserting not only of Words belonging to the art of the Law, but of any other also, that I thought obscure, of what sort soever: As Fish, Cloth, Spices, Drugs, Furs, and
such

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suchlike. For in this I follow the example of our Civilians, that have thought it their part to expound any thing they could meet with in their walk. And indeed a Lawyer professeth true Philosophy, and therefore should not be ignorant (if it were possible) of either Beasts, Fowls, or Creeping things, nor of the Trees from the Cedar in *Lebanon*, to the Hyssop that springeth out of the Wall. And therefore if I have either omitted any hard Word within my Circuit, or set it down not expounded, I give you good leave to impute the one to my negligence, the other to mine ignorance, and so commend these my Pains to your best profit, and you unto God,
Nov. 3. 1607.

John Cowell.

At the Publication of this Book, the World was satisfied that nothing could more facilitate the Studies of the Law, than such a familiar Exposition of the obsolete Words and ambiguous Terms. And that no method could be more proper to make it useful and serviceable, then to throw the Words into an Alphabet, and so make it a standing Glossary or Dictionary to consult upon all occasional Readings.

I know of no offence, that was immediately taken at this first Edition: tho' it was infinitely hard to speak of Prerogative, Property, Government, Laws, and mutual Rights, with that caution and regard, as not to make some to murmur, and others to insult; especially where Parties and their Passions were even then prevailing.

This performance satisfied his Patron A B P. Bancroft, that he was a Man of Parts, Industry and Courage, truly capable of Trust and Office. And therefore in the following Year, upon the Death of Sir Edward Stanhop, Vicar General to the A B P, departing this Life on the 16. March, 1608. His Grace conferred that Honourable Place on our Dr. Cowell, who had practised before as an Advocate in the Arches. (a) In this Station he carried himself with that Fairness and Integrity, that Equity and Honour, as raised him no Enemies, and lost him no Friends. And if he was afterwards Invidious as a Writer, he was still blameless as a Judge: For when the warmest objections were made against some Expressions of his Book, there was not a word to be objected against his Administration of Justice.

The greatest Offence and Provocation given by his Book was indeed this. He had spoke with too much Liberty and too sharp Expressions of the Common Law, and some Eminent Professors of it. At this, the Gentlemen of that Robe thought themselves and their whole Faculty affronted. He had not spar'd the Oracle of the Law, Littleton. He had recited Hottomans Reflections on his Treatise of Tenures, and by so reciting them was thought to make them his own. This especially gave fire to Sir Edward Coke then Chief Justice of the Common Pleas, who was more particularly concern'd for the Honour of Littleton, and valued himself for the Chief Advocate of his own Profession. There seems to have been another reason that brought Dr. Cowell out of favour with this Judge; within Two Years after the Publication of his Interpreter, A B P. Bancroft grew sensible, that the Jurisdiction of the Spiritual Courts was perpetually obstructed by the Grant of Prohibitions from Westminster-Hall. He thought the Discipline of the Church could not be effectually executed without redressing this Grievance. He found the Antient Practise of the Clergy of England, when called to attend in Parliament, was to draw up a modest Remonstrance of such Grievances and to present them to the King, with Petition for Relief. And the King with advice and consent of his Council

(a) Contin. Hatches
Catal. MS.

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Council in Parliament, the Barons or House of Lords, did answer the Complaints and Requests in such manner, as was most Lawfull and Reasonable. Very many of these Precedents remain upon Record, and were commonly called Articuli Cleri. The Spiritual Commonalty, or Parliamentary Convocation, having in this respect a like Priviledge with the Temporal Commons, to grant or refuse their Subsidies and Taxes, according as the King was pleased to oblige or deny their Petitions of Right. The Archbishop thought it proper to take a like Method in the present Case, and seems to have employ'd his Right Hand Dr. Cowell in drawing up those Reasons and Exceptions against the too frequent Grant of Prohibitions, which were delivered to the King in time of Parliament, under the same Title of Articuli Cleri; the King ordered these Articles to be Argued by the Judges, and their Arguments against them are printed by Judge Coke in his XII. Report, who had the chief hand in them: and was now more and more incens'd against Dr. Cowell, whom he took for a profest Enemy to the Westminster Courts, and therefore directly or obliquely reflects upon him in several Pages of his less accurate Works.

But Paper Reproofs were too little satisfaction; Sr. Edward Coke was of some Authority with the King, and had good Interest in the House of Commons: By these Advantages, he represents Dr. Cowell as an Enemy to both. He knew nothing would excite the Kings Jealousie so much, as to touch upon the question of Prerogative, and therefore he suggests, that this Author had disputed too nicely upon the Mysteries of this his Monarchy, nay in some points very derogatory to the supream power of his Crown. (a) It was further represented to his Majesty, that this bold Writer had asserted, that his Royal Prerogative was in some Case limited, (b) as if this could be any offence to an English Monarch. And I suppose it passed for a common Report, what a severe Author has delivered in his Court and Character of that Prince, that in the Interpreter it is said, that King took not the usual Oath all Kings are bound unto at their Coronation. (c) His thus incurring the Royal Displeasure, might have markt him out for Disgrace and Ruin. But I believe the King was wise, and the Archbishop faithful; and so this Plot miscarried.

Upon this disappointment, his Adversaries (who knew how to bring in a Man guilty of Felony, when he was acquitted of Treason) turn the Tables, and resolve to make him a Betrayer of the Rights and Liberties of the People, thinking this Accusation would do more with the Parliament, than the other had done with the King. It is natural enough to imagine, that by giving offence to both Parties, he meant no harm to either. Nothing can displease two opposite sides, but Moderation.

However the design against him was carried on in the House of Commons by Men of Parts and Interest, and it came to this Issue, that the Author was committed to Custody, and his Books were publicly burnt. I want opportunity to consult the Journal of the Two Houses, but a Report from them is thus given by the Learned Mr. Petyt in his *Miscellanea Parliamentaria*, p. 64.

Anno 7 Jacobi, 1609. Dr. Cowell Professor of the Civil Law at Cambridge, writ a Book called the *Interpreter*, Rashly, Dangerously, and Perniciously asserting certain heads to the overthrow and destruction of Parliaments, and the Fundamental Laws and Government of the Kingdom.

He was complained of by the Commons to the Lords, as equally wounded, who resolved to censure his Errors and Boldness: but upon the interposition of the King, who declared that the Man had mistaken the Fundamental Points and Constitutions of Parliaments, promised to condemn the Do-

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doctrines of the Book as absurd, and him that maintained the Positions, they proceeded no further. His Principles with the evident Inferences from them were these.

1. That the King was *solutus a Legibus*, and not bound by his Coronation Oath.

2. That it was not *ex necessitate*, that the King should call a Parliament to make Laws, but might do that by his absolute Power; for *voluntas Regis* (with him) was *Lex Populi*.

3. That it was a favour to admit the consent of his Subjects in giving of Subsidies.

4. The Doctor draws his Arguments from the Imperial Laws of the Roman Emperors; an Argument which may be urged with as great reason and upon as good Authority, for the reduction of the State of the Clergy of England to the Polity and Laws in the time of those Emperours; as also to make the Laws and Customs of Rome and Constantinople to be binding and obligatory to the Cities of London and York.

I have no Authority, nor indeed inclination, to contradict this Report of Mr. Petyt. And I must confess these Positions are so gross and intolerable, that no English Man would defend them or excuse them. I mean if they are as gross and positive in the Author, as they are in this Relation. But I think I have run over most part of the first Edition 4to. 1607. and find no such abominable Assertions in Words at length, there be many things too unadvisedly exprest, which a wise Author would have omitted, and a wise Government might have despised. But alas, when a suspected Book is brought to the torture, it often confesses all, and more than All it knows.

However the King acted with Prudence and Honour in Issuing out his Royal Proclamation for suppressing the Book, and censuring the Writer. And because it is the best light of History in this matter, and but rarely seen, I shall here give the whole.

A Proclamation touching Dr. Cowell's Book called the Interpreter.

THis later Age and Times of the World wherein we are fallen, is so much given to verbal profession, as well of Religion, as of all commendable Moral Virtues, but wanting the Actions and Deeds agreeable to so specious a Profession, as it hath bred such an unsatiable curiosity in many Mens Spirits, and such an itching in the Tongues and Pens of most Men, as nothing is left unsearched to the bottom both in talking and writing. For from the very highest Mysteries in the Godhead and the most inscrutable Counsels in the Trinity, to the very lowest pit of Hell, and the confused actions of the Devils there; there is nothing now unsearched into by the curiosity of Mens Brains. Men not being contented with the knowledge of so much of the will of God as it hath pleased him to reveal; but they will needs sit with him in his most private Closet and become privy of his most inscrutable Counsels; and therefore it is no wonder, that Men in these our days do not spare to wade in all the deepest Mysteries that belong to the Persons or State of Kings and Princes, that are Gods upon Earth: since we see (as we have already said) that they spare not God himself. And this Licence that every Talker or Writer now assumeth to himself, is come to this abuse, that many Phormios will give Counsel to Hannibal, and many Men that never went out of the compass of Cloysters or Colleges will freely wade by their Writings in the deepest mysteries of Monarchy and Politick Government: whereupon it cannot otherwise fall out, but that when Men go out of their Element, and meddle with things above their capacity; themselves shall not only go astray and stumble in darkness, but will mislead also divers others with themselves into many Mistakings and Errors: the proof whereof we have lately had by a Book written by Dr. Cowell called The Interpreter:

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for he being only a Civilian by profession, and upon that large ground of a kind of Dictionary (as it were) following the Alphabet, having all kind of purposes belonging to Government and Monarchy in his way, by meddling in matters above his reach, he hath fallen in many things to mistake and deceive himself: In some things disputing so nicely upon the Mysteries of this our Monarchy, that it may receive doubtful interpretations: yea in some points very derogatory to the supreme power of this Crown: In other cases mistaking the true state of the Parliament of this Kingdom, and the Fundamental Constitutions and Priviledges thereof: And in some other points speaking unreverently of the Common Law of England, and the Works of some of the most famous and antient Judges therein: It being a thing utterly unlawful to any Subject, to speak or write against that Law under which he liveth, and which we are sworn and are resolved to maintain. Wherefore upon just considerations moving us hereunto, for preventing of the said Errors and inconveniencies in all times to come, we do hereby not only prohibit the buying, uttering, or reading of the said Book, but do also will and strictly command all and singular Persons whatsoever, who have or shall have any of them in their hands or custody, that upon pain of our high displeasure, and the consequence thereof, they do deliver the same presently upon this publication to the Lord Mayor of London, if they or any of them be dwelling in or near the said City, or otherwise to the Sheriff of the County where they or any of them shall reside, and in the two Universities to the Chancellor or Vice-Chancellor there, to the intent that further order may be given for the utter suppressing thereof. And because there shall be better oversight of Books of all sorts before they come to the Press, we have resolved to make choice of Commissioners, that shall look more narrowly into the nature of all those things that shall be put to the Press, either concerning our Authority Royal, or concerning our Government, or the Laws of our Kingdom, from whom a more strict account shall be yielded unto us, then hath been used heretofore.

Given at our Palace of Westminster the 25th Day of March, in the Eighth year of Our Reign, of Great Brittain, France and Ireland. Anno. Dom. 1610.

It is one of the Detections of Roger Coke Esq; that this Proclamation could not call in those Books, but only seemed to make them more taken notice of. The only truth that drops from that Gentleman in his Relation of this matter: for how can he prove that Dr. Cowell published his Interpreter the next year after the 7th. of the King, when it was indeed the 5th. of the King? How can he tell the Doctor wrote the Book to supply the Kings Necessities? How does he know that he was no doubt set upon it by Bancroft, and those called the Church? Where does he find the Proclamation published during the Session of Parliament, and that it had not the desired effect of getting more Money, when there was no such Proclamation till Three Months after the Dissolution? Secret History should be wrote with a very good memory. Roger Coke Esq; was descended from the Lord Chief Justice, and so by right of Inheritance had a fewd against Dr. Cowell, and by the same hereditary right was to be no good Historian; for that Oracle of the Law, was at least no Oracle in matters of Fact. His Opinions may be excellent, but his Stories are most of them Trifles and Falshood.

To return to our Author Dr. Cowell, when he had thus felt the displeasure of the King, and the indignation of the People; like a wise Man he took his leave of the Press, and retired to his Colledge and his private Studies, and lived inoffensive and in good repute, not averse to serve the Publick, when he was called to any Advice or proper Service. Soon after he died upon the operation of being cut for the Stone.

A considerable Benefactor to the Colledge of which he had been Fellow, to the Hall of which he had been Master, and to the University of which he had been Governour. He lies buried under the Altar in the Chappel of Trinity-Hall, with this Inscription, as I receive it with some other Notices from the Honoured Master, and a worthy Fellow of that House. Johannes Cowell LL. D. Custos hujus Collegii, Juris Civilis, in hac Academia Cantab. Professor Regius, Vicarius Generalis Cantuariensis Provinciæ sub Domino Richardo Bancroft, Archiepiscopo Cantuariensi,

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riens, hic expectat Resurrectionem. Obiit undecimo die mensis Octob. Ann. Dom. 1611.

This condemn'd Book was known to be very useful, and therefore has been often reprinted, in the Reign of Ch. I. under the Administration of Cromwel, and after the Restoration. But in all the later Editions, those passages that were dubious or offensive have been corrected or omitted.

Archbishop Laud, who was to bear the blame of every invidious thing, was charg'd with giving countenance or connivance to an Impression of this work. Of which act and effort of malice, his own account is the best that can be given. Hist. Troub. and Tryal of ABP. Laud. p. 235.

Cap. XXIII. 2d. Day Art. IX. Then was charged upon me the printing of Books, which asserted the Kings Prerogative above Law, &c. The instance was in Dr. Cowells

Book *Verbo Rex*. That this Book was decryed by Proclamation; that complaint was made to me, that this Book was printing in a close house without License, and by Hodgkinson, who was my Printer, that I referred them to Sr. John Lamb, that they came to me again, and a third time, and I still continued my reference; which Sr. John Lamb slighting, the Book came forth, The Witnesses to this were Hunt and Wallye, if I mistook not their Names.

1. For this Book of Dr. Cowells, I never knew of it till it was printed, or so far gone on in Printing, that I could not stay it: and the Witnesses say, it was in a close house and without License, so neither I nor my Chaplains could take notice of it.

2. They say, they informed me of it, but name no time, but only the year 1638. But they confess I was then at Croydon; so being out of Town, (as were almost all the high Commissioners) I required Sr. John Lamb, who being a High Commissioner, had in that business as much power as my self, to look to it carefully, that the Book proceeded not; or if it were already printed, that it came not forth. If Sr. John slighted his own duty and my command (as themselves say) He is living and may answer for himself; and I hope your Lordship will not put his neglect on my account.

3. As for Hodgkinson he was never my Printer, but Badger was the Man I employ'd, as is well known to all the Stationers; nor was Hodgkinson ever employed by me in that kind or any other; upon just complaint, I turned him out of a place, but never put him into any: And therefore those Terms which were put upon me of my Hodgkinson and my Sr. John Lamb, might have been spared, Sr. John was indeed Dean of the Arches, and I employed him as other Archbishops did the Deans which were in their time, otherwise no way mine: And Hodgkinson had his whole dependance on Sr. Henry Martin, and was a meer stranger to me. And this Answer I gave to Mr. Brown, when he summ'd up the Charge. Nor could any danger be in the Printing of that Book to mislead any Man: because it was generally, made known by Proclamation, that it was a Book condemned, and in such particulars: But for other things the Book very useful.

As to the Additions and Improvements in this present Volume, I cannot boast of them. But in short, I have left the last Edition by Mr. Manly, as the allowed Text, entire and whole: I have not corrected the Citations; I have not added any References; I have not fill'd up the Defects, nor explained the Ambiguities; I have amended no Faults, but literal, nor all of them. So as he who buys this Impression does at least buy the Last: and if he finds no More, he can complain of nothing Less: which yet has been the fate and fraud of many new Editions, so mangled, inverted and purged, that a later Impression serves often for little else, than to make the former more valuable.

All I pretend to, is to augment the work by the easie addition of many thousand Words, which neither Author nor Editors had before observ'd. And indeed a work of this nature is no more to be rais'd up in one Impression, then Rome in one day. What have all sorts of Glossaries and Dictionaries been at the first projecting of them, but rude and modelling Draughts; but meer Scaffolding to carry up Materials, to build higher and higher in due time and order.

Yet I think I have not done, as many other Alphabet Writers, who have traded purely in transferring of Stock, and have pick't out the words of one Dictionary to insert into another. I have indeed thrown in from Du Fresne, &c. most of those words that bear relation to English Laws and Customs; but then I have explain'd them with more familiarity, and confirm'd them with more Authority: and have often adjusted the mistakes of that very Learned Writer, who was a Foreigner in this Cause, and wrote sometimes of English matters with a French Air, loose and at large. But a very great number of the terms here interpos'd and distinguish'd with *¶* are new to the present Age, and were occasionally gather'd up from many Manuscripts and old Records, more to satisfy my own private Curiosity, than with any design upon the Publick.

But since the Proprietors of the old Copy call'd upon me, to lend them some Additions and Improvements for a new Edition. I communicate the heap of Collections to them and the World; and dare say, they will be serviceable to the Antiquary, to the Historian, to the Lawyer, to any Scholar, nay to every English Reader.

THE INTERPRETER

OF

History, Antiquities, and LAWS.

A B

A B

A

A Is the first letter of the Alphabet with the Hebrews, Greeks, Latins, and other Nations, and called by the Heb. *Aleph*; the Arab. *Alph*; Chaldee and Syriac, *Olaph*; Armenians, *Alp*; Ethiopians, *Alph*; and Greeks, *Alpha*. *A*. prefixt to words in English stands equivalent with *un* in French; as a man, *un homme*. But *A*. prefixt according to the Greek acceptation becomes privative, and signifies as much as *without*, *u. g.* in Greek *ἄνομα*, a name, by prefixing *A*. it becomes *ἄνομας*, *sine nomine*, without a Name, or that will not own his Name.

Abacor, The Cap of State, used in old time by our English Kings, wrought up in the Figure of two Crowns. *Vid. Chron. Angl. 1463. Ed. 4. p. 666. vol. 2. l. 27. Spelman.*

Abatores, (*Abatores*) Drivers away, or indeed stealers of Cattel or Beasts, not by one and one, but in great numbers at once; and therefore by *M. S.* thus distinguished from *fur*, *qui unam ovem surripuerit, ut fur coercetur, qui gregem ut Abator.*

Abacus, *Arithmetick*, or the Art of numbering, from the *Abacus* or Table, on which they set down their Figures. — *Omnium liberalium artium peritus, Abacum præcipue, lunarem computum & cursum rimatur.* Hen. Knighton *Chron. lib. 1. cap. 3.*

Abacista, An *Arithmetician*, whence the Italian *Abbachi* and *Abbachi*. — *Gerbertus — Abacum certe primus à Saracenis capiens, regulas dedit, quæ à judantibus Abacis viz intelliguntur.* Will. Malmshur. *Hist. Angl. lib. 2. cap. 10.*

Abandum, *Abandonum*, Any thing sequestred, proscib'd, *abandon*, i. e. *in banum res missa*; a thing *Bann'd* or *Denounc'd* as forfeited and lost. Whence to *abandon*, to *desert*, or *forfake* as lost and gone.

Abarnare, To detect or discover any secret Crime. *Sax. Abarnan*, to uncover, disclose or make bare. — *Siquis Francigena occidatur, & Interfector ignoretur — Si parentes secundum legem repetentes, vel probantes non habeant, sine illius qui abarnaverit. Leges Henrici 1. Angl. cap. 91. — Si Homo furivum aliquid in domo sua occultaverit, & ita fuerit abarnatus, reatum est ut in dñe habeat quod quæsit.* Leges Canuti Reg. cap. 104.

Abate, May be derived from the French word *Abatre*, *destruere, proferere*, to break down or destroy; In the vulgar sense, it signifies to diminish, or take away, as to *abate* the courage of a Man: It is in the Writers

of the Common Law used both actively and passively, as to *abate* a Castle or Fortlet, *Old Nat. Brev. fol. 45.* Which in *Westm. 1. cap. 17.* Is plainly interpreted to bear it down: and to *abate* a Writ, is by some exception to defeat, or overthrow it, *Britton, cap. 48.* And in this active voice, it hath two significations, one general, another special; general, as in the former examples; and again, in *Kitchin, fol. 173.* *Abater Maison*, is to ruine, or cast down a House; special, as in the *Old Nat. Brev. fol. 115.* A stranger *abateth*, that is, entrench upon a House or Land, void by the death of him that last possessed it, before the Heir take his Possession, and so keepeth him out; wherefore as he that putteth him out of Possession, is said to disseise; so he that steppeth in between the former Possessor and his Heir, is said to *abate*. And in the Stat. *De conjunctim Feoffatis*, 34. Ed. 1. Stat. 2. The Writ of the Demandant shall be *abated*, that is, shall be disabled, frustrated, or overthrown. So in *Stamford's Pleas of the Crown*, fol. 148. the Appeal *abateth* by Cousinage, that is, the accusation is defeated by deceit, *Anno 11. H. 6. cap. 2.* The Justices shall cause to be *abated* the said Writ, and hence cometh a word of Art *Abatementum*. *Vide Intrusion.*

Abatement, Derived from the French *Abatement*, sometimes signifies the Act of the *Abator*, as in the abatement of the Heir into the Land before he hath agreed with the Lord, *Old Nat. Brev. 51.* Sometimes the affection or passing of the thing *abated*; as abatement of the Writ, *Kitch. fol. 214.* And in this signification, it is as much as *exceptio dilatoria* with the *Civilians*, *Brit. cap. 51.* or rather an effect of it; for the exception alledged, and made good, works the abatement. And this exception may be taken either to the insufficiency of the matter, or to the uncertainty of the allegation, by the misnaming of the Plaintiff, Defendant, or Place; to the variance between the Writ and the Specialty, or Record; to the uncertainty of the Writ, Count or Declaration; or to the death of the Plaintiff or Defendant before judgment had, and for divers other causes: Upon which defaults the Defendant may pray that the Writ or Pleint may *abate*, i. e. the Plaintiffs Sute against him may cease for that time. *New Terms of the Law*, verb. *Abatement of a Writ*, &c. To prevent abatement of Writs of Error. See the Stat. 16 Car. 2. cap. 2. *Co. Henricus*, fol. 63. c. & 205. d. & 519. c. Abatement is called in Latin *Intrusio*, but it may rather be called *Interpositio*, or *intratio per interpositionem*, to distinguish it from intrusion after the death of Tenant for life: And in his *Com. on Lit. fol. 277.* he shews the

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differ.

difference between Abatement, Disseisin, Intrusion, Deformement, Usurpation and Purpresture. He that will read more of this, may read the *New Book of Entries*, verb. *Brief*. See also *Writ*, *Misnomer* and *Variance*, and the Book called *The Digest of Writs*.

Abator, Is he that abateth, that is, intrudeth into a House or Land, void by the death of the former Possessor, and not yet entred, or taken up by his Heir, *Old Nat. Brev. fol. 115. Perkins, fol. 76.*

Abbacy, In Latin *Abbatia*, or *Abbatia*, is the Government of a Religious House, with the Revenues and Persons subject to an Abbat, as a Bishoprick is to a Bishop. The word is used *Anno 34. & 35. H. 8. cap. 17. 18. Secant, &c. quod ego Isabella Comitissa Pembrock pro salute anime mee, &c. Dedi Deo & Abbatia de N. totam wicheam juxta predictam Abbatiam, &c.*

Abbat or **Abbot**, *Abbas* in Latin, in French *Abbe*, *Sax. Abbud*, a Spiritual Lord having the Rule of a Religious House, according to our Common Law: Skillful Linguists derive it from the Syriack *Abba Pater*; *Justinian's Novel Constitut. 115. Sect. ὑποδισκον*, terms him *Archimandrita*; others *Genbiarcha*, or *Archimandrita*, Horoman in verb. *Feuda*. Of these, some here in England were mitered, some not, *Stow's Annals, pag. 442.* Such as were mitered, were exempted from the Jurisdiction of the *Diocesan*, having themselves Episcopal Authority within their Limits, and were also Lords of the Parliament. Of this kind, thus saith *Corsanus*, *Aliqui Abbates habent jurisdictionem Episcopalem, ad quos cum Ecclesia pleno jure pertineat, in eorum Monasteriis Episcopus nihil exerceat, Cap. ea que.* And these were called *Abbots Sovereign*, *9 R. 2. cap. 4.* And *Abbots Generals*, as *Mr. Ferne* noteth in his *Glory of Generosity*, *pag. 126.* The other sort were subject to the *Diocesan* in all Spiritual Government, *cap. Monasteria 18. quæst. cap. Abbas & ca. visitandi, cum quatuor sequentibus ibid. Omnes 16. quæst. 7. & ca. cum venerabilis, extra de religiosis domibus.* And as *Abbots*, so were their Lords *Priors* also, who both had exempt Jurisdiction, and were Lords of Parliament, as *Sir Edward Coke* makes out. *De jure Eccles. fol. 28. a.* Of which Lords *Abbots* and *Priors* that sat in Parliament, some reckon but Twenty Six, but *Sir Edward Coke* says, They were Twenty Seven *Abbots* and Two *Priors*, *Co. Super Lit. fol. 97.* In the Parliament 20 R. 2. there were but Twenty Five *Abbots* and Two *Priors*: But *Anno 4. Ed. 3. In dorso Claus. ejusdem, An. membran. 41.* More are named in *Monasticum Anglicanum*, to which I refer the Reader. Such an *Abbot* with the Monks of the same House, being called *The Covenants*, made a Corporation; but such *Abbot* was not chargeable by his Predecessors A&T, but by their common Seal, or for such things as came to the use of his House; neither for the Debt of his Monk before his entry in Religion, tho the Creditor had a Specialty. See for this the *Abridgment* under the same Title.

Abbathe, *Anno 31 H. 8. cap. 13.* See *Abbacy*.

Abbatis, An *Avenor* or Steward of the Stables; the word was sometimes used for a common *Hosler*, pronounced short in the middle Syllable, which distinguishes it from the genitive of *Abbas*, an *Abbat*. As in this old Line,

Abbas ad canam dat equis Abbas avenam. *Spelman in voce.*

Abbetor, See *Abet*.

Abbrochment, (*Abbrocamentum*) Is a foretelling of a Market or Fair, by buying up the Wares before they are exposed to Sale in the Market or Fair, and then vending them again by Retail. *M. S. de Placit. coram Rege Ed. 3. Pens. J. Trevor Mil.*

Abbutrals, (From the French *Abutter*, that is, to limit or bound) are the buttings and boundings of Land either to the East, West, North or South, shew-

ing how it lies in respect to the other places, *Cro. Rep. 2. par. fol. 184. Latera autem nunquam aiunt abutere, sed terram proximam adjacere.* And *Camden* says, Limits were distinguish'd by Hillocks raised on purpose, which were call'd *Botentines*; whence we may guess our *Butting* to Spring. The word *Abutture* to *Abut* or to Bound end-ways, from the *Saxon* *Onbutan*, *Butan*, *preter, ultra.* In a Terrier, or description of the site of Land, the sides on the breadth are properly *adjacentes*, lying or bordering, and the ends only in length are *abutantes*, *abutring* or bounding: Which in old Surveys, they sometimes express'd by *capitare*, to head, whence *Abuttrals* are now called *Head-lands*, i. e. *Head-lands*. As in the Rental of *Wye* in *Kent* belonging to the Abby of *Battle* in *Sussex*. Tenent octo acras juxta Gores wall. capitantes ad pradium wallum.

Abbermurder, *Abbermurdrum*. Plain or right down Murder, as distinguish'd from the less heinous Crimes of *Man-slaughter* and *Chance-medly*. From the *Saxon*, *Æbepe*, apparent, notorious, and Mord. Murder. So *Abbepe. Theof.* a bare, evident, notorious Thief. This *Abbermurder* was declared a Capital Offence, without Fine or Commutation by the Laws of *Canute*, *cap. 93.* and of *Hen. 1. cap. 13.* Vid. *Spelman in voce.*

Abditorium, An *Abditory* or Place to hide and preserve Goods, Plate, or Money. As in the Inventory of the Church of *York*. *Mon. Angl. Tom. 3. p. 173. Item unum coffeur, & una pixis de ebore ornata cum argento deaurato. Item tris Abditoria & tres pixides de ebore ornate cum cupro deaurato.*

Abeysance, Hath by some been derived from the French *Abeyer*, that is, *allatrare*, to bark at, as Dogs do at a Stranger; but I rather suppose it may come from the French word *Bayer*, to expect: So Children are said *Bayer a la mamme*, who seeing the Dagg, they strivingly expect it: So also *bayer a l'argent*, qui spe atq; animo pecunie incumbunt. This word in *Littleton*, *cap. Discontinuance*, we find thus used, The right of Fee simple lieth in *abeysance*, that is, according to his own interpretation, only in the remembrance, intentment and consideration of the Law; The Frank-tenement of the Glebe of a Parsonage is in no Man, so long as the Parsonage remains void, but is in *Abeysance*. And it is a Maxim in Law, That of every Land there is Fee-simple in some Man, or else it lies in *Abeysance*. Considering and comparing these places with the signification of the French word *Bayer*, it seems more than probable, that our ancient Law-Books would signifie hereby a kind of hope, or longing expectation, because things in *abeysance*, tho at present in no Man, yet in hope and expectation they belong to him that is next to enjoy them. And also in French, a Man that earnestly gazes at any thing, is termed *un Bayard*, a greedy Beholder. This *abeysance* cannot be better compared, than to that which the *Civilians* call *Hereditatem jacentem*. For as *Iracton* saith, *lib. 1. cap. 12. num. 10. Hereditas jacens nullius est hominis ante additionem, &c.* So that (as the *Civilians* say) Lands and Goods do *jacere*; So the Common Lawyers say, That things in like estate are in *Abeysance*, as the *Logicians* term in *posse*, or in understanding; and as we say, *in nubibus*, in the Clouds, that is, in consideration of the Law. Read more of this in the *New Terms of the Law*, *fol. 6. & Plow. Rep. Walsingham's Case. See also lib. 3. cap. 11. fol. 145. & Perkins fol. 12. Co. on Lit. fol. 342. b.*

Abet, (*Abettare*) May be said to proceed from the French *Bouter*, *impellere* or *excitare* (rather from the *Saxon* an energetical Article, and *Bedan*, to stir up, or excite; from whence the Phrase of *beating* or *beating* the Fire, i. e. supplying it with more fuel:) In our Common-Law it signifies as much as to encourage, or set on. *Abetment*, (*abetum*) the Substantive implies the same, *Stamf. Pl. Cor. 105.* As in the Pleas of

of Parliament, 21. Ed. 1. *Jurati quæsi per cujus avertum appellum prædictum factum fuit, & prosecuturi dicunt quod per abettum Hugonis de Evers.* And Abettor (Abettator) for him that encourageth, or setteth on, *Old Nat. Brev. fol. 21.* but both Verb and Noun are always taken in the worst sense. As Abettors of Murder, are such as command, procure, or counsel others to commit a Murder; and in some Cases such Abettors shall be taken as Principals, in other but as Accessories; and their presence or absence at the doing of the Fact, differences the Case. There are also Abettors in Treason, but they are as Principals; for there are no Accessories in Treason. See *Fleta, lib. 1. cap. 34. Sect. 13. cap. 52. Sect. 35. Coke on Lit. Sect. 475. Stamford's Pleas of the Crown. Rastal's Exposition, &c.*

Abgatoria, Abgetorium, The Alphabet or A, B, C. As *Mar. Westm. reports of St. Patric — Abgetoria quoq; 345. & eo amplius scripsit, totidem Episcopos ordinavit. So Warenius de script. Hibern. lib. 1. Baptizavit quotidie homines & illis literas legebat, & Abgatorias. The Irish still call the Alphabet Abghitin.*

Abisurfing, (As Rastal in his Abridgment expounds it,) Is to be quit of Amerciaments before whomsoever of transgression proved. It is called in the *New Terms of the Law Misheurfing*; It signifies originally a Forfeiture, but much miswritten by the ignorance of Clerks; which Opinion *Spelman* in his *Glossary* seems to confirm. Old Authors have termed it a Freedom or Liberty, because whoever hath this word inserted in a Charter or Grant, hath not only the Forfeitures and Amerciaments of all others within his Fee for Transgressions, but also is himself free from the controul of any within that Compass.

Abjuration, (Abjuratio) Is a renouncing by Oath; and signifieth in our Law a sworn Banishment, or forswearing of the Realm; *Stamf. Pl. Cor. lib. 2. cap. 40.* faith out of *Polyd. Virgil 1.* So great was the devotion towards the Church in King Edward the Confessor's Time, till the 22 of H. 8. that if a Man having committed Felony, could get into the Church or Church-yard before he were apprehended, he might not be taken thence to the usual Trial at Law, but confessing his Fault to the Justices at their coming, or to the Coroner, might be admitted to his Oath, to abjure or forsake the Realm, *Anno 7 H. 7. cap. 7.* The form and effect of this you have in the *Old Abridgment of Statutes*; an ancient Tract, *De Officio Coronatorum, Crompton's Office of Coroner, fol. 260. b. New Book of Entries, verb. Abjuratio.* Hornes *Mirror of Justices, lib. 1. cap. Del Officio del Coroner.* Quando aliquis abjuravit Regnum, Crux ei liberata fuit in manu sua portanda in itinere suo per semitas Regias, & vocabitur vocillum Sanctæ Ecclesiæ, Essex, *Plac. Hil. 26. Ed. 3.* This part of our Law was in some sort practised by the Saxons, as appeareth by the Laws of King Edward, set out by Mr. Lambard, *num. 10.* but more directly by the Normans; evidenced by the *Grand Customary, cap. 24.* where the form of the Oath is likewise set down, with the rest of the proceedings therein, very agreeable with Ours. This Clemency something resembles that of the Roman Emperors towards such as fled to the Church, *Lib. 1. Co. tit. 12.* or to the Images themselves, *Eod. tit. 25.* And also that of the Cities of Refuge mentioned by *Moser, Exod. 21. 13. Numb. 15. 6, 11, 12. Deut. 19. 2. Josh. 20. 2.* Of all the Circumstances belonging to this Abjuration, read the *New Terms of the Law, and Stamf. ubi supra.* But this grew at last to be but a perpetual confining of the Offender to some Sanctuary, wherein upon abjuration of his Liberty and free Habitations, he would chuse to spend his life; as appears *Anno 22 H. 8. cap. 14.* And by 21 *Jac. 1. cap. 28.* this benefit is wholly taken away, and consequently Abjuration, 2 *Inst. fol. 629.* See

Sanctuary. Robertus le Tailleur de Drayton, qui suspensus fuit apud Abyngdon, relictus pro mortuo sub jurcis, surrexit & fugit ad Ecclesiam de Abyngdon, & ibidem cognovit se esse larronem, & Abjuravit Regnum eorum Coronatore, &c. *Anno. 14. Ed. 1.*

Abelition, (25 H. 8. cap. 21.) A destroying. The Licence given to a criminal Accuser, to desist from further prosecution.

Abridge, (Abbreviare) Cometh of the French *Abreger*, to make shorter in words, yet still retains the sense and substance; but in the Common Law it seems more particularly used for making a Declaration or Count shorter, by subtracting or severing some of the substance. As for example, a Man is sued to abridge his Plaint in Assise, or a Woman her Demand in an Action of Dower, that hath put into the Plaint, or Demand, any Land not in the Tenure of the Tenant or Defendant, if the Tenant pleads Non-tenure, Joyntenancy, or the like, in abatement of the Writ, the Demandant may abridge his Plaint, that is, he may leave out that part, and pray that the Tenant may answer to the rest, to which he hath not yet pleaded; and the reason is, because the certainty is not set down in such Writs: And tho the Demandant hath abridged his Plaint in part, yet the Writ remains good still for the rest: So that here abridger is not contrary, but rather *subtrahere*, *Bro. tit. Abridgment, & Anno 21 H. 8. cap. 3.* Of this the Civilians have no use, by reason of certain cautelous Clauses they ordinarily affix to the end of every Article in their Libel or Declaration.

Abridgment, (Abreviamentum) See *Abridge.*

Abrogate, Abrogare, To disannul or repeal; as to abrogate a Law, that is, to lay aside or repeal it, *anno 5 & 6 E. 6. cap. 3.*

Absoniare, To detest and avoid. As in the form of Oath among the Saxons, recorded by Mr. Sommer. *In illo Deo, pro quo sanctum hoc Sanctificatum est, volo esse nunc Domino meo N. fidelis & credibilis, & amare quod amat, & absoniare quod absoniat, per Dei rectum, & seculi competentiam.*

Absentees, or Dex Absentees, A Parliament so called, held at Dublin 10. May 28 H. 8. and mentioned in Letters Patents, dated 29 H. 8. See *Co. 4. Inst. fol. 358.*

Abutals, See Abbuttals.

Accedas ad Curiam, Is a Writ that lies for him who has received false Judgment in a Court-Baron or Hundred Court, being directed to the Sheriff, as appeareth by *Dyer, fol. 169. num. 20.* Like as the Writ *de falso Judicio* lies for him that hath received false Judgment in the County-Court: The form you may see in *F. N. B. fol. 18. d.* And in the *Register fol. 9. b.* where it is said, This Writ lies as well for Justice delayed, as Judgment falsly given: It is a Species of the Writ *Recordare, Reg. Orig. fol. 56. & F. N. B. ubi supra.*

Accedas ad Vice-Comitem, Is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff; who having a *Pone* delivered him, suppressed, *Reg. Orig. 83.*

Acceptance, Is a thing in good part, and as it were a kind of agreeing to some Act done before, which might have been undone and avoided if such acceptance had not been: For example, If a Bishop before the Stat. 1 *Eliz.* lease part of the Possessions of his Bishoprick for term of years, reserving Rent, and dies, and after another is made Bishop; who accepts, that is, takes or receives the Rent when it is due, and ought to be paid; by this acceptance the Lease is made good, which else the new Bishop might have avoided: The like is, if Baron and Feme seized of Land in right of the Feme, joyn and make a Lease or Feoffment by

Deed, Reserving Rent; the Baron dies, the Feme receives or accepts the Rent: by this the Feoffment or Lease is confirmed, and shall bar her of bringing a *Cui in vita*, Co. on Lit. fol. 211. b.

Accessory or Accessary, (*Accessorius vel Accessorium*) *Particeps criminis*, Is used in our common-Law otherwise than among the *Civilians*; for whereas with them it is generally taken for any thing depending upon another, here, tho it be so likewise, yet most commonly and notoriously it signifieth a Man guilty of a Felonious Offence, not principally; but by participation, as by command, advice or concealment. And a Man may be *accessory* to the offence of another after two sorts; by the Common Law, or by Statute; and by the Common Law two ways also, *viz.* either before or after the Fact; before the Fact, as where one commandeth or adviseth another to commit a Felony, and is not present at the execution thereof; for his presence maketh him also a Principal; wherefore there cannot be an *accessory* before the Fact in Manslaughter, because Man-slaughter is sudden, and premeditated, Co. lib. 4. fol. 44. 2. *Accessory* after the Fact, is, when one receiveth him whom he knoweth to have committed a Felony, 3. *Accessory* by Statute, is he that abetteth, counselleth or concealeth, committing or having committed an Offence made Felony by Statute; for tho the Statute make no mention of Abettors, yet they are by interpretation included. Of all these consult, *Stamf. Pl. Cor. lib. 1. cap. 45, 46, 47, 48.* There is also an *accessory* of an *accessory*, as he that wittingly receiveth an *accessory* to a Felony; but a Woman in such case shall not be an *accessory* for helping her Husband, *Lib. Aff. 26. Pl. 51. Coron. Fitz. 197. Stamf. Pl. Cor. lib. 1. cap. 48.* And the Law of England is, that so long as the Principal is not attained, the *Accessory* may not be meddled with, *Stamf. ubi supra, Co. lib. 4. fol. 43. b.* In the highest and lowest Offences, there are no *Accessories*, but all are Principals; as in Treason, *crimen lese Majestatis*, the highest; and in Riots, Forcible Entries, and other Trespases, *Vi & Armis*, the lowest, Co. on Lit. fol. 71. Of this Subject, read more in *Crompt. Just. fol. 37. b. 38, 39.* If a Man counsel a Woman to murder the Child she hath in her Womb, and afterward the Child is born, and then murdered by the Woman, in the absence of him that so gave the counsel; yet he is *accessory* by his counselling before the Birth of the Infant, and not countermanding it, *Dyer, fol. 186. pl. 2.*

Accompt, (*Computus*) Is in the Common-Law taken for a Writ, or Action, which lies against a Man, that by means of Office or Business undertaken, is to render an account to another, and refuseth; as a Bayliff towards his Master, or Guardian in Socage towards his Ward, and the like; as you shall find particularized in *Fitz. Nat. Brev. fol. 116.* And by the Statute of *Wilm. 2. cap. 1.* If the Accomptant be found in arrear, the Auditors that are assign'd to him, have power to award him to Prison, there to remain, till he makes agreement with the Party. But if an Accomptant be not allowed reasonable Expence and Costs, or charged with more Receipts than he ought, his next Friend may sue a Writ of *Ex parte talis* out of the Chancery, directed to the Sheriff, to take four Mainpernors, to bring his Body before the Barons of the Exchequer at a certain day, and to warn the Lord to appear there the same day.

Accord, That is, Agreement between Two, or more, to satisfy a Trespase or Offence done by one to another, for which he hath agreed to make satisfaction, in recompence; which shall be a good bar in Law, if the other, after the Accord performed, should commence any new Action for the same Trespase, *Terms de la Ley, fol. 14.*

Accroche, From the French *Accrocher*, to fix: This word is used, *Anno 25 Ed. 3. Stat. 3. cap. 8.* and signifies there as much as to Enroach, and the French used it for delay, as *Accrocher un processe*, to delay the proceedings in a Suit for some time. Vide *Enroachment.*

Accephali. In the Laws of Hen. 1. Those are called *Accephali*, who were the Levellers of that Age, who acknowledged no Head or Superiour.

Achat, Cometh of the French, *Achat, emptio*, or *nundinatio*, and is taken to signifie a Contract or Bargain, *Brook, tit. Contract.* from whence haply *Purveyors* in 36 E. 3. were ordained to be call'd *Achators*, because of their frequent Bargain making; hence also with seeming reason enough may be deriv'd the word, *Cates*, signifying Provision brought in the Market for great Feasts.

Acknowledgment-Pony, on the death of a Landlord the Tenant pays a sum of Money in Acknowledgment of the new Landlord. — *Soloes 12. d. ad recognitionem cujuslibet novi Domini de Hope, &c. Ex libro Cart. Priorat. Leominstria*, and called in Latin, *Laudatium vel Laudemium*, à *Laudando Domino.*

Acherfet, A measure of Corn. The Monks of *Peterborough* had for their weekly Allowance 12 *Acherfetos* de frumento, & 8 *Acherfetos* de brasio, & 6 de grad. & 11 *Acherfetos* de fabis, &c. The Learned Author of the Supplement to the Hist. of the Ch. of *Peterborough*, p. 274. conjectures this measure to have been the same with our Quarter or Eight Bushels.

Acolite, *Acolitus*, An inferiour Church-Servant who next under the Sub-deacon, followed or waited on the Priests and Deacons, and performed the meaner Offices of lighting the Candles, carrying the Bread and Wine, and paying other servile attendance. This Officer an *Acolite*, was in our old English called a *Colet*, from which Appellation came the Family of Dean *Colet* Founder of *Paul's-School.*

Acquiescencia de Shires & Hundredis, To be free from Suit and Service in Shires and Hundreds, to which purpose it is said, *In Regist. Priorat. de Cokesford, Quod Prior non debet facere secliam ad Comitatum Norwici vel in Hundredo pro Manerio de Rudham cum pertin.*

Acquiescencia de Writis, This Writ we find in the Register of Writs, fol. 158. being in truth a *Justicies*, and lies for a Surety against a Creditor, that refuseth to acquit him after the Debt is paid.

Acquit, Is derived from the French *Acquitter*, as that from the Latin Compound *Acquiescere*, and signifies in Law to discharge, or keep in quiet, and that the Tenant be safely kept from any Entries or Molestations for any manner of Service issuing out of the Land to any Lord, that is, above the Mesne; hereof we say, *Et quierus est*, that is, he is discharged, Co. on Lit. lib. 2. Sect. 148. It signifies also ordinarily a deliverance, and setting free from the suspicion or guilt of an Offence, as he that is discharged of a Felony by Judgment, is said to be *acquiescens de felonis*, and if it be drawn in question again, he may plead *auterfois acquit*. This is two-fold, *Acquit in Law*, and *Acquit in Fact*; *Acquit in Law* is, when Two are indicted, the one as Principal, the other as Accessary; the Principal being discharged, the Accessary by consequence is also *acquiesced*, and in this case as the Accessary is *acquiesced* by Law, so is the Principal in Fact, *Stamf. Pl. Cor. 168.* *Acquit in Fact* is either by *Verdict*, or by *Battel*; By *Verdict*, when by a Jury he is found *Not Guilty* of the Offence whereof he is charged; By *Battel*, as when in an Appeal, the Plaintiff yieldeth himself *Creant*, or vanquish in the Field; the Judgment shall be, that the Appeller shall go quit, and that he shall recover his Damages, Co. 2. Inst. 385.

Acquittance, *Acquiescencia*, Cometh from the French *Quiter*, that is, *accepto ferre*, signifieth a Release or Dis.

Discharge in Writing of a sum of Money, or other Duty which ought to be paid or done. Also the Verb (*acquit*) the Participle (*acquitted*) and the Noun (*acquittal*) signify a discharge or clearing from an Offence objected, as acquitted by Proclamation, *Smith de Rep. Ang.* pag. 76. *Stamf. Pl. Cor.* 168. *Brook.* tit *Acquittal*. This word differs from that which in the Civil Law is called *Acceptatio*, because that may be by word without Writing, and is nothing but a fained Payment and Discharge, where no real Payment is had. Nor can it be said to be *Apoche*, which is a witnessing the payment or delivery of Money, which discharges not, unless the Money be paid, *Terms de Ley.* verb *Acquittance*. It was the common form in Deeds of Sail, Gift, or other conveyance — *Nos autem — Warrantizabimus, acquietabimus, & defendemus in perpetuum. Pro hac autem warrantia acquietantia & defensione —* Hence to quit any claim or pretension. To get quit of any danger or trouble. *Quite*, i. e. perfectly or entirely, as quite Discharged, quite Dead, &c. to quite or quot, to satisfy or to quiet, *His Stomach is quite quoted*.

Acre, From the German *Acker*, that is, *ager*, is a quantity of Land containing in length forty Perches, and four in breadth, or according to that proportion, be the length more or less; and if a Man erect any new Cottage, he must lay four Acres of Land to it after this Measure, *Anno 31 Eliz.* cap. 7. With this Measure agrees *Crompton*, in his *Jurisdiction of Courts*, fol. 222. tho he saith also, That according to the Customs of divers Countries the Perch differeth, being in some places, and most ordinarily but 16 foot and a half, but in *Staff.* 24 foot, as was adjudged in the Exch. in the Case between Sir *Ed. Aston* and Sir *Joh. B.* In the Statute made concerning sowing Flax, 24 *H. 8. c. 4.* eight score Perches make an Acre, which is forty multiplied by four. Also the ordinance of Measuring Land 35 *Ed. 1.* agrees with this Account. The word *Acre* at first, signified not a determined quantity of Land, but any open ground, especially a wide Campaign from the Saxon *Æcep*, a Field, and this antique sense of it seems preserv'd in the names of Places; *Castle-Acre, West-Acre*, &c. in *Com. Norf.* When the word was applied to the measure of Ground, the quantity was still various, but determined by the Statutes of 31 *Ed. 35 Ed. 1.* 24 *H. 8.* For the different computation of Acres, observe this Note in a Terrier of the Estate belonging to the Prior and Convent of *Burcester Com. Oxon. A. D. 1339. 1 H. 4.* *Queliber Acre continet duas seliones cum omnibus Farlongijs — Exceptis virgis & buttis, quarum quatuor virga faciunt unam acram, & aliquando plures. Similiter aliquando quatuor buttes, aliquando quinque; aliquando sex; aliquando septem, aliquando octo faciunt unam acram, &c. Paroch Antig. p. 534.* Note at the great Doomsday Inquisition, the common Pasture seems measured by *bides*, the Arable-Land by *carucates*, and the Meadow by *Acres*.

Acre, An old sort of Duel fought by single Combatants, *English and Scotch*, between the Frontiers of their Kingdom with Sword and Lance. *Ex abusu obento de voluntate & mandato Domini Regis Angliæ & Scotiæ, non solum simplices Clerici, sed & Abbates & Priores in Diocesi Karleoli, si appellati fuerint ab aliquo de Regno Scotiæ de re aliquo, & e converso compelluntur cum Lanceis & gladijs alias inermes duellum, quod dicitur Acram Committere inter fores utriusque regni — Mementis igitur utrumque; Regem — Quod tam deestabilis abusus quoad personas Ecclesiasticas non servetur.* *Annal. Burton, Sub. An. 1237.* Hence I conjecture, as this sort of judicial Duelling was call'd *Camp-fight*, and the Combatants *Champions* from the open Field that was the Stage of Trial. So *Æcep* among the Saxons being the same with *Campus*, The Borderers on *Scot-*

land, who best retained the Saxon dialect, called such *Camp-fight, Æcep-Fecht, Acre-fight*; and sometime simply *Acre*.

Action, *Actio*, Is defined by *Bracton, lib. 3. cap. 1. and 3.* In the same manner as by *Justinian lib. 4. Instit. titulo de Actionibus, viz. Actio nihil aliud est quam jus prosequendi in iudicio quod alicui debetur*, and is divided into *personalem, realem, et mixtam*, *Co. Inst. 2. fol. 40.* A personal Action is that which one Man may have against another, by reason of any Contract for Money or Goods, or for any Offence done by him, or some other, for whose Fact he is answerable, *Bract. lib. 3. cap. 3. nu. 2.* A real Action is defined to be, whereby a Defendant claims Title to have a Freehold in any Lands or Tenements, Rents or Commons, in Fee-simple, Fee-tail, or for life, *Bract. ibid. nu. 3.* And every Action real is either *Possessory*, that is, of his own Possession and Seisin, or *Ancestral* of the Seisin or Possession of his Ancestor, *Co. lib. 6. fol. 3. Writs of Right, Writs of Entry, &c.* And their several Appendices, as *Grand-cape, Petit-cape, Receipt, View, Ayl-Prayer, &c.* being real Actions, took place, and swell'd the Titles of our Year-Books heretofore, but now grown much out of use.

Action mixt, Is that which lyeth as well against or for the thing which we seek, as against the Person that hath it, and is called *Mixt*, as having a respect both to the thing and the Person, *Bract. lib. 3. ca. 3. nu. 5.* For example, the division of an Inheritance between Co-heirs, or Co-partners, called in the Civil-Law (*Actio familia exciscunda*.) Secondly, The division of any particular thing being common to more, called also (*actio de communi dividendo*.) which *Bracton, Cujacius, Wesenbachius*, allow to be mixt; of which *Britton* discourseth at large in his 71. Chap. In the Terms of the Law, verb. *Action mixt*: It is said to be a Suit by the Law, to recover the thing demanded, and damages for the wrong done; as in *Assize of No. Diff.* which Writ, if the Disfeisor make a Feoffment to another, the Disfeissee shall have against the Disfeisor, and the Feoffee, or other Tenant, and thereby shall recover Seisin of his Land; and Damages for the mean Profits, and the wrong done; and so is an Action of Wast, and *Quare Imp.*

Action, Is also divided by the Civilians into *Civilem & Prætoriam*, whereof one ariseth out of the Civil-Law in general, the other from some *Prætorian Edict*. And a division not unlike this may be made in the Common-Law of England, one part growing from the ancient Customs, the other from the Statute, *Bro. tit Action sur le Stat.*

Actions, Also are divided into civil, penal and mixt, 6 *Co. fol. 61. a.* Action civil is that which tends only to the recovery of that which by reason of any Contract, or other like cause, is due to us: As if a Man by Action seek to recover a sum of Money formerly lent, &c.

An **Action Penal**, Aims at some penalty or punishment in the party sued, be it Corporal or Pecuniary: As in the Action *Legis Aquiliæ*, in the Civil-Law; and in the Common-Law, the next Friends of a Man feloniously slain or wounded, shall pursue the Law against the Offender, and bring him to condign punishment, *Br. l. 3. c. 4.*

Action mixt, Seeks both the thing whereof we are deprived, and a penalty for the unjust detention. As in an Action for Tythes upon the Statute of 2 & 3 *E. 6. cap. 13.* Item est alia *Actio mixta*, quæ dicitur *Actio Hirciscunda*, & locum habet inter eos qui commutem habent hereditatem, &c. See *Co. on Lit. fol. 262. b.*

Action, Is also (according to the form of the Writ) divided into such as are conceived to recover either the simple value of the thing challenged, or the double, treble,

treble, or quadruple, *Bract. lib. 3. cap. 3. nu. 6.* So doth a *Decies tantum* lye against *Embracers*, *F. N. B. fol. 171.* And against Jurors that take money for their Verdict of either or both Parties: And any other Action upon a Statute that punishes any Offence by restitution, or fine proportionable to the Transgression.

Action, Also is *Prejudicial*, (otherwise called *Preparatory*) or *Principal. Prejudicial*, is that which grows from some doubt in the Principal: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, that he is a Bastard, *Bract. lib. 3. cap. 4. num. 6.* For this point of Bastardy must be tryed, before the Cause can further proceed, and therefore termed *præjudicialis, quia prius judicanda.*

Action, Is either *Ancestrel* or *personal*, *Stam. Pl. Cor. 59.* *Ancestrel* seems to be that which we have by some right descending, from our Ancestor: And that *Personal*, which has beginning in and from our selves. There is also *Action Ancestrel Droiturel*, and *Action Ancestrel Possessory*, which see in *Co. 2. Inst. f. 291.*

Action upon the Case, *Actio super casum*, Is a general Action given for redress of wrongs done without force against any Man, and by Law not especially provided for; for when you have any occasion of Suit, that neither hath a fit, nor certain form prescribed; then the Clerks of the Chancery in ancient time conceived a fit form of Action for the Fact in question, which the Civilians call *Actionem in factum*, and the Common-Lawyers, *Actionem super casum*. And whereas in the Civil-Law, there are two sorts of these Actions; one termed *Actio in factum prescriptis verbis*; the other, *Actio in factum prætoria*; the former grounded upon words pass'd in Contract; the other more generally upon any Fact touching either Contract, or Offence formerly not provided against: This Action upon the Case seemeth more to resemble the *Actio Prætoria in factum*, than the other; because in the perusal of the Book of Entries, & Bro. Abridgment; I find that an Action upon the Case lieth as well against Offences, as breach of Contract. See more of this in *Trespass*.

Action upon the Statute, *Actio super Statutum*, Is brought upon the breach of a Statute, whereby an Action is given that lay not before; as where one commits Perjury, to the prejudice of another, he who is endamaged, shall have a Writ upon the Stat. that is, where the Stat. gives the Suit or Action to the Party grieved, or otherwise to one person certain: And this Action seems to be like any Action in the Law imperial, either upon *Edictum Prætoris*, *Plebiscitum*, or *Senatus consultum*, for as the Prætor, so the common people in Comitijs, and the Senators or Nobility, in Curia, or Senatu, had power to make Laws, whereupon the Prætor, or other Judges permitted Action: So our High Court of Parliament maketh Stat. against such Offences as are either newly grown, or more and more encreased, and the Judges are obliged to entertain their Pleas that commence Actions against the Breakers of them.

Action, Is perpetual or temporal (*perpetua vel temporaria*) and that is called perpetual, whose force cannot be determined by time; Of which sort were all civil Actions among the Romans, viz. Such as grew from Laws, Decrees of the Senate, or Constitutions of the Emperors, whereas Actions granted by the Prætor, fell within the year. So we have in England perpetual and temporary Actions: And indeed all Actions may be called *perpetual*, that are not expressly limited. As divers Statutes give action, so they be pursued within the time by them prescribed: As for example, the Statute of 1 Ed. 6. cap. 1. gives action for three years after the Offences committed, and no longer. And the Statute 7 H. 8. cap. 3. doth the like for

four years; and that of 31 Eliz. cap. 5. for one year and no more; and the Act for Uniformity, 14 Car. 2. cap. 4. limits some things to two, some to three months, and some to more. But as by the Civil-Law, no Actions were at last so perpetual, but that by time they might be prescribed against; So in our Common-Law the Actions may be called perpetual, in comparison of those that be expressly limited by Statute, yet there is a means to prescribe against real actions within five years, by a Fine levied, or a Recovery suffered; as you may see further in the words *Fine* and *Recovery*, and also *Limitation of Assize*.

Action popular, Is given upon the breach of some penal Statute, which every Man that will may sue for himself and the King, by Information, or otherwise: and because this action is not given to one especially but generally to any of the Kings people that will sue, it is called an *Action popular*; but in this case, when one hath begun to pursue an action, no other may sue it; and in this as it seems, it varies from an *Action popular* by the Civil Law, *Terms de Ley*.

Action, Is farther divided into *Actionem bonæ fidei* & *stricti juris*, which division hath good use in the Common-Law, tho the terms are not to be found in any of their Writers; therefore we refer them to the Civilians, and particularly *Wesemb.* in his *Paratitles*, *De Oblig. & act.*

Action of a Writ, Is a phrase of speech used when one pleads some matter, by which he shews the Plaintiff had no cause to have the Writ he brought, yet it may be that he may have another Writ or Action for the same matter. Such a Plea is called a *Plea to the action of the Writ*; whereas, if by the Plea, it should appear that the Plaintiff hath no cause to have an action for the thing demanded, then it shall be called a *Plea to the action*, *Term de Ley*.

Atto, Atton, Akaton, A Coat of Mail. *Ex Gallico* Hoqueton, aut Hauqueton, seu potius ex Cambro-Britannico Actwm, Loricæ, Dupla, Duplodes, Du—Fresne.—Tho. Walslingh. in Ed. 3. *Indutus autem fuit Episcopus quadam armatura, quam Aketon vulgariter appellamus.* *Stat. Rob. 1. Regis Scot. cap. 27. Quilibet habens in defensione regni unum sufficientem Actonem, unum basinatum, & chirotheccas de guerra.*

Acts of Parliament, Are positive Laws, which consist of two parts, that is, the words of the Act, and the sense and meaning, which both joyn'd together make the Law.

Atton Burnel, A Statute so called, made 13 E. 1. Anno. 1285. ordaining the *Statute Merchant*, and was so termed from a place named *Atton Burnel*, where it was made, being a Castle sometime belonging to the Family of Burnel, afterwards of Lovel, in Shropshire.

Attor, The Proctor or Advocate in Civil Courts or Causes. *Attor Dominicus*, was often used for the Lord's Bailie, or Attorney. *Attor Ecclesiæ*, was sometime the forinick term for the Advocate or pleading Patron of a Church. *Attor ville* was the Steward or Head-Bailie of a Town or Village.

Atuary, (*Atuarius*) Is the Clerk or Scribe, that Registers the Canons and Constitutions of the Convocation.

Addition, (*Additio*) Is both the English and French word made of the Latin, and signifieth in our Common-Law a Title given to a Man besides his Christian and Sir-name, shewing his Estate, Degree, Mystery, Trade, place of Dwelling, &c. As for example, additions of Estate are *Yeoman*, *Gentleman*, *Esquire*, and such like; additions of Degree, are names of Dignity, as *Knight*, *Earl*, *Marquess*, *Duke*: Additions of Mystery, are *Scriver*, *Painter*, *Mason*, *Carpenter*, and all other of like nature; for Mystery is the Craft or Occupation, whereby a man gets his Living: Addition of Towns, as *London*,

don Kingston, Chester, &c. and where a man hath a Household in two places, he shall be said to dwell in both of them; so that his addition in either shall suffice. For the use of these additions in original Writs, of actions personal, Appeals and Indisments, It is provided by the Statute, 1 H. 5. cap. 5. that in Suits or Actions, where process of *Utlary* lies, such additions should be to the name of the Defendant, to shew his Estate, Mystery, and place where he dwells; and that Writs, not having such additions, shall abate, if the Defendant take exception thereto, but not by the Office of the Court; and this was ordained by that Statute, that one man might not be vexed or troubled by the *Utlary* of another, but that by reason of the certain addition, every person may be known, and bear his own burden: For more particular additions of Town, see *Bro. tit. Addition*. See also *Crompton Just. of Peace*, fol. 95, 96. Co. 2. part. *Inst.* fol. 595 & 666. and Stat. 27 El. cap. 7.

Adoubours. See *Redoubours*.

Adeling. Or *Etheling*, from the Saxon *Edelan*, or the Dutch *Edel*, signifying Excellent, and was a Title of Honour among the *Angles*, properly pertaining to the Kings Children, and Successors of the Crown; whereupon King Edward the Confessor being himself without Issue, and intending to make Edgar (to whom he was great Uncle by the Mothers side) the Heir of his Kingdom, gave the Honourable stile of *Adeling*. *Reg. Horvenden, parte post. suor. Annal* fol. 347. a. *Vide etiam Leges Janiti Ed. Conf. M. S. a Will. Cong. recept. cap. antepenult.* See more of this word in *Spelman's Glossary*.

Adjournment. (*Adjournamentum*) the same with the French *Adjournement*, and signifies *denunciatio*, or *dictum*, that is, by our Common-Law an assignment of a day, or a putting off until another day and place. So adjournment in *Eyre* (25 E. 3. Statute of *Purveyors*, cap. 18.) is an appointment, of a day, when the Justices in *Eyre* mean to sit again; and *Adjournment* hath the same signification in 2 E. 3. cap. 11. See *Bro. Abridg. tit. Adjournment*. The Bastard Latin word (*adjournamentum*) is used among the *Burgundians*, as Mr. Skene notes in his Book de *verbo Signif. verbo Adjournatus*, out of *Cassandus de consuet. Burg.* See *Prologue*.

Adjudication. (*Adjudicatio*) A settlement by Judgment, Decree or Sentence, 16 & 17 Car. 2. cap. 10.

Ad inquirendum. Is a Writ *judicial*, commanding inquiry to be made of anything touching a cause depending in the Kings Court for the better execution of Justice; as of *Bastardy*, *Bondmen*, and such like; whereof, see great diversity in the Table of the *Judicial Register*, verbo *ad inquirendum*.

Ad iura Regis. Is a writ that lies for the King's Clerk against him that sought to eject him, to the Prejudice of the King's Title in Right of his Crown, *Reg. of Writs* fol. 61. a.

Admeasurement. (*Admensuratio*) Is a Writ which lyeth for the bringing of those to a Mediocrity, that usurp more than their part: and it lyeth in two cases, one is termed *Admeasurement of Dower*, *Admensuratio dotis*, where the Widow of the deceased holdeth from the Heir or his Guardian, more in the name of her Dower, than of right is belonging unto her, *Regist. Orig.* fol. 171. a. *Fitzherb. Nat. Breu.* fol. 148. The other is, *Admeasurement of Pasture*, *Admensuratio Pasture*, which lyeth between those that have Common of Pasture appendant to their Freeholds, or Common by Vicinage, in case any one or more of them do surcharge the Common with more Cattel than they ought, *Reg. Orig.* fol. 156. b. *F. N. B.* fol. 125. *This Writ lies not for the Lord, nor against the Lord, but the Lord may distrain the Beasts of the Tenant that are superfluous: But if the Lord overcharge the Common, the Com-

moner hath no remedy by the Common-Law, but an Assize of his Common, *Terms de la Ley* 24.

† **Adminicula.** (*Adminiculum*) Aid or support *Amo* 1 Ed. 4. cap. 1.

Administratoz. (*Administrator* in Lat.) Is in the sense of our Common-Law taken for one that hath the goods of a Man dying intestate, committed to his charge by the Ordinary, and is accountable for the same, when ever it shall please the Ordinary to call him thereto. In this peculiar sense, this word is not used in all the Civil or Canon-Law, but more generally for those that have the Government of any thing. However the signification came to be restrained among us, it matters not. But there was a Statute made 31 E. 3. cap. 11. whereby power was given to the Ordinary, to appoint these Administrators, and to authorise them as fully as Executors, to gather up and dispose the Goods of the deceased, so as they should be accountable for the same as Executors. And before that by the Statute *Westm.* 2. 13 E. 1. cap. 19. It was Ordained, that the Goods of Persons dying intestate, should be committed to the Ordinaries disposition, who should be bound to answer his Debts as far as his Goods would extend. *Against such an Administrator, and for him an Action will ly as for an Executor, and he shall be charged to the value of the Goods, and no farther, unless by his own false Plea or Wast: If the Administrator die, his Executors are not Administrators; but it behoves the Ordinary to commit a new Administration. And if a stranger, that is not Administrator or Executor, take the Goods, and administer of his own wrong, he shall be charged and sued as an Executor, and not as Administrator; but if the Ordinary make a Letter, *Ad colligendum bona defuncti*, he that hath such a Letter, is not Administrator; but the Action lies against the Ordinary, as if he had the Goods in his own hand. *Terms de Ley* tit. *Administrator*.

* **Administrator durante minore etate.** Cannot sell the Goods of the deceased, unless it be of necessity, for payment of Debts, or *bona peritura*, for he hath his Office *pro bono & commodo* of the Infant, and not for his prejudice, and his Administration ceaseth at the Infants age of Seventeen years, Co. 5. Rep. *Prince's Case*. Where one hath Goods only in an inferior Diocess, yet the Metropolitan of the same Province pretending that he had *bona notabilia* in divers Diocesses, commits Administration; this is not void, but voidable by Sentence, because the Metropolitan hath Power over his whole Province; but if the Ordinary of a Diocess commit administration, when the party hath *bona notabilia*, such administration is merely void, because by no means he can have Jurisdiction of the Case.

Administratrix. (Lat.) She that hath such power and goods committed to her.

Admiral. (*Admiratus, Admiratus, Admiralis, Capitanius, or Custos maris*) and derived of the French *Amere*, signifieth both there, and with us, a high Officer or Magistrate, that hath the Government of the King's Navy, and the hearing of all Causes belonging to the Sea, *Crompt. Jur.* fol. 88. An. 13 R. 2. Cap. 15. 15 R. 2. cap. 3. 2 H. 4. cap. 11. 2 H. 4. cap. 6. 23 H. 8. 15. This Officer is in all Kingdoms of Europe that border upon the Sea. This Magistrate among the Romans was called *Præfectus classis*, as appeareth by *Tully*, in *Verrum*. 7. Mr. Gwin, in his Preface to his Reading, believes this Office was first created in the time of Ed. 3. his reason is this, because *Britton* that wrote in Ed. the First's time, in the beginning of his Book, taking upon him to name all the Courts of Justice, maketh no mention of this Court, or Magistrate; and *Richard the Second* in the Tenth Year of his Reign, limited his Jurisdiction to the Power he had in his Grand-father Ed. 3. his days. But contrary to this, it appears by some ancient

Cient Records, that not only in the Days of Edward the first, but also of King John, all Causes of Merchants and Mariners, and things happening within the main Sea, were ever tryed before the Lord Admiral. To this purpose, he hath his Court call'd *The Admiralty*: He hath Cognizance of the Death or Mayhem of a man committed in any great Ship riding in great Rivers, beneath the Bridges of the same next the Sea; also to arrest Ships in great Streams, for the Voyages of the King and Realm, and hath Jurisdiction in such Streams during the said Voyages. And Mr. Pryn in his *Animadversions on Co. Inst.* 4. p. 75. says, he had Jurisdiction, both within and without the King's Dominions, and might judge them in a summary way, according to the Laws of Oleron, and other Sea-Laws. The first Title of *Admiral of England* expressly Conferr'd upon a Subject, was given by Patent of Rich. 2. to Richard Fitz-Alen Jun. Earl of Arundel and Surrey, 10 Sept. An. 10 Rich. 2. For those who before enjoyed the Office were simply term'd *Admirals*, tho' their Jurisdiction seems as large, especially in the Reign of Ed. 3. when the Court of *Admiralty* was first Erected. Vid. Spelman in voce, who gives a Catalogue of the *Admirals* from 8 Hen. 3. to 16 Jac. 1.

Admissio, Is when the Patron presents to a Church, being void, and the Bishop upon examination, admits the Clerk able, by saying *Admitto Te habilem*, Co. on Lit. fol. 344. a.

Admittendo clericico, Is a Writ granted to him that hath recovered his right of Presentation against the Bishop, in the Common Bench, the form of which you may have in F. N. B. fol. 38. And Reg. Orig. fol. 33. a.

Admittendo in Socium, Is a Writ for the Association of certain Persons to Justices of Assize before appointed, Reg. Orig. fol. 206. a.

† **Adnichilum**, 28 H. 8. cap. 7. From the Lat. *Nihil*, or as it was written of old *Nichil*, signifies annulled, made void, or brought to nothing.

✶ **Adretare**, *Adretiare*, *Adressare*, i. e. *ad rectum ire*, *recto stare*, To satisfy, to make amends — *Gerwas Dorobern. sub. Anno. 1170. Quod erunt coram Domino Rege die quem eis constituerit, ad rectum faciendum & adretandam ei, & hominibus suis quod adretiare debuerunt.* Hence the French still use the word *Adresser* in this sense, To do right.

Ad quod Damnum, Is a Writ that lies to the Sheriff, to inquire what Damage it may be to others for the King to grant a *Fair* or *Market*; or other person to give any Lands holden in Fee-simple, in Mortmain, to any House of Religion, or other Body Politick; for in that case the Land is said to fall in *manum mortuam*, into a dead hand; that is, it is in such an estate and condition, that the chief Lords lose all hope of *Heriots*, service of Courts and Escheats upon any traitorous or felonious offence committed by the Tenant; for a Body-politick dyeth not, neither can perform personal Service, or commit Treason or Felony, as a single person may. And therefore it seems convenient, that before any such Grant be made, it be known what prejudice it is like to work either to the Grantor, or others, Fitz. Nat. Brev. fol. 221. Terms de ley 25. Vide *Mortmain*.

Adramire, Vid. to *Arrain*.

Ad terminum qui præterit, Is a Writ of Entry, that lies where a Man having leased Lands or Tenements for term of life or years, and after the term expired, is held from them by the Tenant, or other stranger, that occupieth the same, and desoreth the Lessor: In such case this Writ lieth for the Lessor and his Heirs, Fitz. Nat. Brev. fol. 201.

Advent, Is a time comprising a Month, or thereabouts, and begins upon the Sunday, that falls either upon St. Andrews day, being the 30th of November, or next after it, and continues till the Feast of the Nati-

ty of our Lord, commonly called *Christmas*, tho' Sir Edward Coke, 2. part. Inst. fol. 265. mistakes in saying it ends eight days after the *Epiphany*; herein our Ancestors reposed much Reverence and Devotion, in regard of the neer approach of that Solemn Feast; inasmuch that it is said, *Inter Plac. de temp. Regis Johan. Ebor. 126. that In adventu Domini nulla offensa debet capi*, all Contentions in Law were then remitted. Where upon there was a Statute made Anno 3 E. 1. being West. 1. cap. 48. that notwithstanding the said usual Solemnity, it might be lawful (in respect of Justice and Charity, which ought at all times to be regarded) to take Assises of *Novel Disseisin*, *Mortdancer*, and *Darrein-presentment* in the time of *Advent*, *Septuagesima* and *Lent*. This is also one of the times from the beginning whereof to the end of the Octaves of the *Epiphany*, the Solemnizing of Marriage was forbidden, by reason of certain Spiritual Joy that the Church ought to conceive in the remembrance of her Spouse, *Christ Jesus*, and was not without special licence to be entertained, according to the old Verses,

*Conjugium Adventus prohibet, Hilariq; relaxat,
Septuagena vetat, sed Paschæ octava reducit,
Rogatio vetitat, concedit Trina Potestas.*

Vide *Rogation-week* and *Septuagesima*. This Solemn Feast had it's name of *Advent*, because it did so immediately precede the appearing of our Lord, and therefore was *preparatio Sancti in adventum Domini*.

Adultery, (*Anno 1 H. 7. cap. 4.* and in divers other both Places and Authors termed *Advowtry*) in Latin *Adulterium* (as it were *Ad alterius thorum ascendere*) is properly the Sin of Incontinence between two married persons; yet if but one be married, it is *Adultery*, which is severely punish'd by the Laws of God, and the ancient Laws of the Land. King Edward a Saxon, *Leg. suar. cap. 4. Adulterium officii iussit inflar Homicidii*. Canutus the Dane, *Hominem adulterum in exilium relegari iussit, feminam nasum & aures præcidi*, Leg. par. 2. cap. 6. And afterwards, cap. 50. *Qui uxoratus faciet Adulterium, habeat Rex vel Dominus superiorem, Episcopus inferiorem*. Leg. Hen. 1. cap. 12. See a notable Case concerning *Adultery* in Co. 2. Inst. concerning Margaret, the Wife of John de Camots, who with her Husband's consent lived in *Adultery* with Sir William Panel, yet lost her Dower. See *Dower. Rex. &c.* *Præcipimus tibi quod diligenter inquiri facias per legales homines de Wilsn. Candeur Si Robertus Pincerna habens suspectum Will. Wake qui cum uxore sua adulterium commiserat, prohibuit ei ingressum domus sue, & si idem Will. post prohibitionem illam, domus ipsius Roberti ingressus adulterium prædillum commisit, inde præsumitur Robertus mentula cum privavit, & si inquisitio dederit, quod ita sit, tunc eidem Roberto & suis qui cum eo erant ad hoc faciendum, terr. & catalla sua occasione illa in manum nostram seiscita, in pace esse facias donec aliud inde tibi præcipimus, &c.* Clauf. 14. Joh. m. 2.

Adverare, To *Aver*, or affirm or make good.

Ad ventrem inspiciendum, Is a Writ mentioned in the Statute of *Essoins*, 12 E. 2. See more in the Title *Ventre inspiciendo*.

✶ **Advocate**, The Ecclesiastical or Church Advocate was of two sorts. Either 1. *Advocate* of the Causes and Interest of the Church, retain'd as a Counsellor and Pleadar, to maintain the Properties and Rights, Or, 2. *Advocate* or Parson of the Presentation and Advowson. Both these Offices did originally belong to the same Founder of a Church or Convent, and his Heirs, who were bound to protect and defend the Church, as well as to nominate or present to it. As Ailwin Founder of Ramsey Abby, — *Procurat in Medium, se Ramseyensis Ecclesiæ advocatum, se possessionum ejus*

ius tutorem allegans. Lib. Romef. Self. 49. But when the Patrons grew negligent, or were Men of no Interest or Ability in the Courts of Justice, then the Religious began to retain a Law-Advocate, to solicit and prosecute their Controversial Causes. *Vid. Spelman in voce.*

Advocatione decimarum. Is a Writ that lieth for the claim of the fourth part, or upward, of the Tythes that belong to any Church. *Reg. Orig. fol. 29. b.*

Advolwry. See *Adultery*.

Advow. *Alias Avow, advocare,* cometh of the French word *Advouer, alias avouer,* and signifieth as much as to justify or maintain an Act formerly done: For Example, One takes a Distress for Rent, or other thing, and he that is distrained sueth a Replevin; now he that took the Distress, or to whose use the Distress was taken by another, justifying or maintaining the act, is said to *avow, Termes de Ley 73.* Hence comes Advowant and Advowry. *Old. Nat. Brev. fol. 43.* *Bracton* uses the Latin word in the same signification (as *Advocatio Dissidii*) *lib. 4. cap. 26. and Cassanens, de consuet. Burg. pa. 1210.* uses *advocare* in the same signification. And *pag. 1213.* the Substantive *desavowamentum*, for a disavowing, or refusal to avow, * This word *Advowee* or *Avowee* (in Latin *Advocatus*) is used for him that hath right to present to a Benefice, *25 E. 3. Stat. 5.* where we find also *Advowee paramount*, for the highest Patron, *viz. the King: Advocatus est ad quem pertinet ius Advocacionis alicuius Ecclesie, ut ad Ecclesiam, nomine proprio, non alieno possit presentare, Fleta, lib. 5. cap. 14. Fitz. Nat. Brev. fol. 39.* useth it in the same sense.

Advowee Paramount. By the Statute of Provisions, *25 E. 3.* is taken for the King, the highest Patron.

Advowson. Or *Advowson;* *Advocatio* signifieth in our Common-Law a right to present to a Benefice, and is as much as *ius Patronatus*, in the Canon-Law; The reason why it is so termed, proceedeth from this, because they that originally obtained the right of presenting to any Church, were Maintainers of, or great Benefactors to that Church, either by building, or increasing it; and are therefore sometimes termed *Patroni*, sometimes *Advocati*, and sometimes *Defensores*, *cap. 4. & 2. de iure Patronatus in Decretal.* And *Advowson* being an old bastard French word, is used for the right of presenting, as appeareth by the Statute of *West. 2. cap. 5.* Now *Advowson* is of two sorts: First, *Advowson in gross;* that is, sole or principal, not belonging to any Mannor, as a parcel of it's right; and secondly, *Advowson appendant*, which depends upon a Mannor, as appurtenant to it, termed therefore by *Kirchin* an Incident, that it may be separated from the subject. Of this Mr. *John Skene, de verbo Sig.* hath these words, *Dicitur Advocatio Ecclesie, vel quia Patronus alicuius Ecclesie ratione sui iuris advocat se ad eandem Ecclesiam, & asserit se in eadem habere ius Patronatus, eamque esse sui quasi clientis loco, vel potius cum aliquo (nempe Patronatus) advocat alium jure suo ad Ecclesiam vacantem eumque loco alterius (veluti defuncti) presentat, & quasi exhibet.* No Church could be Canonically consecrated, without an allotment of Munfe and Glebe, made generally by the Lord of the Mannor, who thereby became *Advocate* or *Patron* of that Church; so as the Lordship of the Mannor, and Patronage of the Church were rarely in different hands, till *Advowsons* were unhappily given to Religious Houses. It had been more to the honour of this Church and Nation, if *Advowsons* had all continued appendant to the Mannor. For then the Patrons had been (as they first were) Parochial Barons, and so Men of Reputation and Interest in each respective Parish. Whereas the dividing the Lordship of the Mannor from the *Advowson* of the Church, has enabled Yeomen and Mechanicks to purchase the Dignity of Patrons from the Nobility and

Gentry, to the prejudice of the Church, and the great confusion of Degrees and Qualities.

Advowson of Religious houses. As those who built and endow'd a Parish Church, were by that Title made Patrons of it: So those who founded any House of Religion, had thereby the *Advowson* or Patronage of it. Sometimes the Patron had the sole Nomination of the Prelate, Abbot or Prior; either by Investiture or Delivery of a Pastoral Staff: as *William Mareschal E. of Pembroke* to the Abby of *Notely*, *Com. Buck. A. D. 1200.* Or by Direct Presentation to the Diocesan: As *Reginald E. of Beolin*, in his Charter to the Priory of *Cold Norton*, *Com. Oxon. 1201.* *Non hoc autem pratermittendum est, quod Domus illa de nostra donatione est, & Nos ibi Priorem apponere debemus, &c.* If a free Election were left to the Religious, yet a *Comge d'eslire*, or License of Electing was first to be obtain'd of the Patron; and the Elect was confirm'd by Him. The Patronage of a Convent lapsed to the Lord of the Honour, if the Family of the Founder were extinct: So *Edmund Earl of Cornwall* became Patron of the Nunnery of *Goring*, *Com. Oxon.* by no other Title, than as that House was situate within the Honour of *Wallingford*: See Mr. *Kenner's Paroch. Antiq. p. 147, 163.*

Almsfeoh. *Pecunia Eleemosynaria, scilicet, Denarii sancti Petri. Vide Almsfeoh.*

Aerie, Or Ayry of Goshawks (*Aeria accipitrum*,) Is the proper term for Hawks, for that which of other Birds we call a Nest. Thus it is used, *9 H. 3. cap. 12.* in the Charter of the Forest, and divers other places. It comes from the French word (*Aire*) signifying as much as (*par*) in Latin, or (*a payr*) in English; and therefore when the Frenchman saith, *un homme de bone aire*, he means a Man coming from a good Payr, that is, a good Father and Mother. This Derivation is all fancy and mistake. *Aerie* is indeed from the French *Aire*, the proper term for a Hawk's Nest. So is *Airg* said to signify in Irish. But *Spelman* more probably derives it from Saxon *Eghe*, which the Germans and Normans melted into *Eye*, an *Egge*; whence *Eyerie*, was a common name (or a Bird's Nest, i. e. the place or repository of Eggs.) Hence too the *Eye*, or Brood of Pheasants. The liberty of keeping these *Aeries* of Hawks, was granted as a Privilege to some greater Persons, as in a Charter of *Henry 3.* to the Church of *York.* — *In memore de Blideward habebat Archiepiscopus & Canonici de Ebor. proprios Forestarios suos, & mel, & areas accipitrum & nisorum.* — *Registr. Joh. Romani Archiep. Ebor. MS. f. 91.* The preserving the *Aeries* in the King's Forests and Woods, was one sort of *Serjeantrie*, or Tenure of Land by Service. So *An. 20 Ed. 1. Simon de Raghton & alii tenent terras in Raghton, Com. Cumb. per serjeantiam custodiendi Aerias Austurorum Domini Regis.*

Aesnevy. *Vide Esnevy.*

Estimatio capitis. *Sax. Werc, i. e. pretium hominis.* King *Althelstan* in a great Assembly held at *Exeter*, declared that Murtherers were to be pay'd *pro estimatione capitis*; for offences committed against several Persons, according to their Degrees. The Estimation of the King's Head to be 30000 *Thuringa*, of an Archbishop, or Satrapas, or Prince 15000, of a Bishop, or a Senator 3000, of a Priest, or a Thane 2000, &c. *LL. Hen. 1.*

Erete probanda. Is a Writ that the King's Tenant holding in chief, by Chivalry, and being Ward, by reason of Nonage, obtaineth to the Eicheator of the County where he was born, or where the Land lyeth, to enquire whether he be of full Age, to receive his Lands into his own hands, *Reg. Orig. f. 294, 295. F.N. B. fol. 253. & 257.* he saith that this Writ is sometimes directed to the Sheriff, to impanel a Jury against a day certain, before Commissioners authorized under the Great Seal, to deal in such a case.

Affeerers, (*Afferatores aliis Affidati*.) May probably be derived from the French (*Affier*) that is, *affirmare*, *confirmare*; and signifieth in the Common-Law such as are appointed in Court-Leets, upon Oath, to set the Fines on such as have committed faults arbitrarily punishable, and have no expresse penalty appointed by the Statute. The form of their Oath, you may see in *Kitchin*, fol. 46. The reason of this Denomination may seem to be, because they that be appointed to that Office, do affirm upon their Oaths, what penalty they think in conscience the Offender hath deserved: Another probable Derivation may be from (*seere*.) an old English word signifying a Companion, as (*Gefera*) doth among the Saxons, by Mr. Lambard's testimony (*verb. consueveralis*.) in his Explication of Saxon Words; and so it may be gathered that *Kitchin* taketh, *cap. Amercements*, fol. 78. in these words, *Mesriel amerciament soit affire per paves*; where (*paves*) is *affeerers*; and the reason hereof may be, for that in this business they are made Companions, or Equals. We find this word used, 25 Ed. 3. Stat. 7. viz. The same Justices before their rising in every Sessions, shall cause to be affered the Amercements; and also to the same effect, 26 H. 6. c. 6. And *Kitchin* fol. 78. joyns these three words together, as Synonims, viz. *Affidati*, *Amerciatores*, *Affrors*; *Affidare* in the Canon-Law is used for *Fidem dare*, *ca. fina. de cognatio. spirit. in Decretal. & ca. super eo de testibus*. Bracton hath *Affidare mulierem*, to be betrothed to a Woman, lib. 2. cap. 12. But in the Customary of Normandye, cap. 20. this word (*Affeurer*.) the Latin Interpreter expresth by (*Taxare*.) that is, to set the value of a thing, and the same with *astimare*, &c. which seems indeed the best Etymology. See Co. li. 8. fol. 40. b.

Affidare, To plight one's Faith, or give Fealty, i. e. Fidelity, by making Oath, &c. *Mulier accusata de affisa cerevisie fracta potest sola manu facere legem si voluerit, id est, affidare in manu Ballivi & esse queta, quod si noluerit affidare, amerciaabitur per Ballivum. Consuetudinar. Dom. de Farendon MS. f. 22.*

Affidarius, Signifies a Tenant by Fealty, witness this Charter, *Ego Rogerus, &c. dedi, &c. Willelmo Wallensi pro suo servitio unam acram, &c. pro hac donatione & concessione devenit predictus Will. Affidatus meus, &c. Affidati non proprie Vassalli sunt, sed quasi vassalli, qui in alicujus fidem & clientelam sunt recepti, &c. Affidatio accipitur pro mutua fidelitatis connexionem tam in sponsaliis quam inter Dominum & Vassallum. Proles de affidata & non maritata, non est heres, M. S. penes Arth. Trevor. Ar.*

Affidiari, seu *Affidiari ad arma*, To be mustered and enrolled for Soldiers, upon an Oath of fidelity. — *Rex dilectis: Cum assignaverimus vos ad superprovidendum quod omnes Homines de Com. Berk. Equitatura & aliis armis competentibus muniantur, & ad arma affidianur, & arrantur juxta formam Statuti. Consuetud. Dom. de Farendon. MS. f. 55.*

Affirm, *Affirmare*, Signifies to ratify or confirm a former Law or Judgment: So is the Substantive (*affirmance*) used anno 8 H. 6. cap. 12. And so is the Verb it self by *West*, part. 2. *Symbola, tit. Fines, sect. 152*. if the Judgment be affirmed, &c. and also by *Crompton* in his *Jurisd.* fol. 166. 19 H. 7. cap. 20.

Affiance, Is the plighting of Troth betwixt a Man and a Woman, upon agreement of Marriage to be had between them; the Latin word (*affidare*) from whence this is derived, is as much, as *fidem ad alium dare*, and this word *affiance* is used by *Littleton* c. Dower, sect. 39.

Affidabit, In Law signifies an Oath, as to make *affidavit*, is to testify a thing upon Oath.

Affozatus, Appriz'd or valu'd, as things vendible in a Fair or Market. — *Retinuit Rex potestatem pardonandi ei omnimoda amerciamenta tum affozata, quam*

non affozata, tam de se quam de omnibus hominibus. Cartularium Glaston. MS. f. 58.

Afforciammentum Curie, The Calling of a Court upon a solemn and extraordinary occasion. — *Faciant bis in anno Rectum ad hundredum ipsius Abbatis de Newetone, scil. ad Cur. Hokeday, & ad Festum S. Martini, & ad afforciammentum Curie, quotiescunque latro adjudicandus fuerit, vel quum aliqua loquela ibi fuerit, que terminari non poterit sine afforciammento Curie, Cartular. Glaston. MS. f. 43.*

Affortciament, A Fortres or strong Hold, or other Fortification. — *Pro reparatione murorum & aliorum Affortciamentorum dicta civitatis. Prym Animad. on Coke. 184.*

Afforest, Is to turn a piece of Ground into Forest, *Charta de Foresta, cap. 1. & 30. anno 9 H. 3.* What that is, see more at large in *Forest*.

Affray, Cometh of the French word (*Effrayer*) *terrere*, to affright, and therefore may be without word or blow given, and so is the word used in the Statute of Northampton, 2 E. 3. cap. 3. It is commonly taken for a Skirmish, or Fighting, between two or more: In our Books it is many times confounded with an *Affault*, as appears by *Lambert*, in his *Eirenarcha*, lib. 2. cap. 3. & lib. 1. cap. 17. yet as it is there said, they differ in this, that where an *Affault* is but a wrong to the Party, an *Affray* is a wrong to the Commonwealth, and therefore both inquirable and punishable in a Leet. It may be said likewise, that an *Affault* is but of one side, but an *Affray* is the fighting of many together: Besides this Signification already mentioned, it may be taken for a terrour wrought in the Subject by an unlawful sight of Violence, &c. as if a Man shew himself furnisht with Armour or Weapons not usually worn, it may strike a fear into others unarmed, 2 E. 3. cap. 3. 4 H. 6. 10. 8 E. 4. 5.

Affretamentum, The Freight of a Ship, from the French *Fret*, which signifies the Tuns: — *Sciatis quod cum, ut accepimus nuper in quadam causa maritima pecuniaria viginti & quinque librarum preteritu Affretamenti medietatis ejusdem Cranera vocata La Christopher de Burston, &c. Pat. 11 H. 4. p. 1. m. 12.*

Affri, Vel *Affra*, Bullocks or Beasts of the Plough, *Viccomes liberet ei omnia catalla debitoris, exceptis bobus & Affris caruca, West. 2. cap. 18.* And in Northumberland to this day, they call a dull or slow Horse a false *Aver*, or *Afer*, *Spelm*. Whence also with probability enough, may be drawn the word *Heyser* for a young Cow.

Age, *Ætas*, French *age*, and signifieth in the Language of the Vulgar a Man's Life, from his Birth to the day of his Death; but in the Common-Law it is particularly used for those special times, which enable Men and Women to do that, which before for want of Age, and consequently of Judgment, they might not do: And these times in a Man be two, at Fourteen years he is at the age of Discretion, Twenty one years he is full age, *Littleton* lib. 2. cap. 4. the Law takes notice of him at several other Ages, as at Twelve years, to take the Oath of Allegiance in a Leet; at Fourteen to consent to Marriage, and in Soccage to choose his Guardian, *Dyer*, fol. 162. at Fifteen for the Lord to have aid *pur sair Fitz Chivalier*, F. N. B. in brevi de rationabili auxilio. In a Woman they be Six, *Bro. Gard. 7.* First at Seven years of age, her Father being the Lord, might heretore distrain his Tenants for aid *pur sair marier*, for at those years she may consent to Matrimony, *Bract. lib. cap. 36. nu. 3.* Secondly, at nine years old, she is Dowable, for then, or within half a year after, she is able *Promereri dotem & virum sustinere*, *Eleta, lib. 5. cap. 22. Lit. lib. 1. cap. 5.* which *Bracton loco citato* does notwithstanding limit to twelve years. Thirdly, at twelve years she is able to ratify and confirm her former consent given to Matrimony. Fourthly, at fourteen years she is enabled to receive her Lands into her own

own hands, and shall be out of Ward, if she be at that age at her Ancestor's death. Fifthly, at sixteen years she shall be out of Ward, though at the death of her Ancestor, she was under fourteen: The reason is, because then she may take a Husband able to perform Knight-Service. Sixthly, at twenty one years she is able to alienate her Lands and Tenements; besides, as to a Man we may add, That at fifteen years he shall be sworn to keep the King's Peace, *Anno 34 E. 1. Stat. 3*. The age of twenty one did heretofore compel a Man to be a Knight that had twenty pound Lands *per annum* in Fee, and that by *1 E. 2. Stat. 1*. which is since repealed by *17 Car. 1. cap. 20*. That age also enables him to contract and deal by himself in the management of his Estates, which until that time he cannot do with security of those that deal with him. The age of twelve, binds to appearance before the Sheriffs and Coroner for Enquiry after Robberies, *Anno 52 H. 3. cap. 24*. The age of fourteen years enables to enter an Order of Religion without consent of Parents, *Anno 4 H. 4. cap. 17*. See *Co. on Lit. fol. 78. b*.

Age pater. (*Ætatem precari, or ætatis precatio*) Is a Petition or Motion made in Court by one in his Minority (having an Action brought against him for Lands coming to him by descent) that the Action may cease, till he arrive to his full age, which the Court in most Causes ought to yield unto: This is otherwise in the Civil Law, which enforceth Children in their Minority to answer by their Tutors or Curators; *W. de minor. 25. an.*

Agentine. See *Hogenhine*.

Agent and Patient. Is when a Man is the doer of thing, and the party to whom it is done, as where a Woman endows her self of the fairest possession of her Husband: Also if a Man be indebted to another, and after makes the party, to whom he is so indebted, his Executor, and dies; the Executor may retain so much of the Deceased's Goods in his hands as his own Debt amounts to, and by this Retainer he is Agent and Patient; that is, the Party to whom the Debt is due, and the party that pays the same. *Sed quære de hoc*, for that it is resolved, *Co. lib. 8. 138*. In *Bobam's Case*, that a Man shall not be Judge in his own Cause, *Quia iniquum est aliquem sui rei esse judicem*.

Agild. Free from Penalty, not subject to the Customary Fine or Imposition. *Sax. a-gild, sine multa. Leges Aledici cap. 6. Si Vilaga efficiat ut occidatur, pro eo quod contra Dei rectum & Regis imperium fecerit—jaceat Agild.* In *Legibus Hen. 1. cap. 88*. *Agild* is corruptly put for *Agild*.

Agillarius. A Hey-ward, i. e. a Herd-ward or Keeper of the Herd of Cattle in a Common-field, sworn at the Lord's Court, by solemn Oath, of which the Form is deliver'd by *Kitchin of Courts f. 46*. The Office of *Agillarius* was of two sorts; First, the common Hey-ward of a Town or Village, to supervise and guard the greater Cattle, or common Herd of Kine and Oxen, to keep them within their due Bounds: He was otherwise call'd *Bubulcus*, the Cow-ward (now turn'd into a Name of contempt and reproach, a pitiful Coward) who, if he was a Cottager, or other servile Tenant, he was exempted from all customary Works and Manual Services to the Lord; because he was presum'd to be always attending on his Herd, as a Shepherd on his Flock, who had therefore the like Privilege. — *Sunt ibi xvi Cotarij, quorum alii sunt Bubulci, alii sunt Pastores, qui si non essent, deberet quilibet unum opus singulis septimanis per annum.* *Cartular. Glasston MS. f. 40*. Secondly, the *Agillarius* of the Lord of a Mannor, or of a Religious House, who was to take care of the Tillage, Fencing, Harvest-work, &c. and to see there were no Encroachments, or Trespasses committed on that particular District. The same in effect with that Officer, who has

been since call'd the *Field's-man*. See *Mr. Kenner's Paroch. Antiq. p. 534. 576*.

Agist. From the French (*Gist*) a Bed or Resting-place, or (*giser*) jacere, or *gister*, *stabulari*, a word proper to a Deer, *cum sub mensum Mayum e locis additis in quibus delituit emigrans in loco delicto stabulari incipit: unde commodum & propinquitas sit pabulario, Budeus in Posterior. lib. Philologie*. It signifieth in our Common-Law to take in, and feed the Cartel of Strangers in the King's Forest, and to gather the Money due for the same to the King's use, *Charta de Foresta. an. 9 H. 3. cap. 9*. The Officers that do this, are call'd *Agistors*, in English Guest-takers, *Crompt. jur. fol. 146*. These are made by the King's Letters Patents under the Great Seal of England, of whom the King hath four in every Forest, where he taketh any Pannage; *Manswood's Forest-Law, cap. 11. fol. 80*. In what their Office consists, see the same *Manswood, part. 1. p. 336*. Their Function is termed *Agistment*, as *Agistment upon the Sea-banks, anno 6 H. 6. c. 5*. This *Agist* is also used for the taking in of other Mens Cartel into any Ground at a certain rate per Week. See *4 part. Inst. fol. 293*.

Agistor. The *Agistor* or Forest Officer, who was to take account of the Cattle there *agisted*, whether they belong'd to Tenants within the Forest, who had free *agistment*, or to Foreigners who pay'd a common rate. These *Agistors* in an old Version of *Charta de Foresta*, are call'd *Gyst-takers*, or *Walkers*. Hence our Grasers now call the foreign Cattle which they take in to keep by the Week, *Gisements*, or *Juicements* (pronounc'd like the Joices in Building, corrupted from the French *adjustment*, the cross-pieces of Timber that are adjusted or fitted, to make the Frame of the Floor.) And to *gise* or *juice* the Ground, is when the Occupier feeds it not with his own proper Stock, but takes in other Cattle to *agist*, or pasture in it. All Glossographers agree to derive this Word from the French *Gister*, to lie, *Gest* a Bed, &c. But I rather think *Agistamentum* bears relation to *Ager* the Field, or Feeding-place of Cattle, and might be the same as *Agrarium*, *Agerium*, *Agrotium*, the Profit of Feeding Cattle on such a Ground or Field. Unless it were so, I can hardly imagine, why the Duty or Tax levy'd for repairing the Bank and Walls in *Romney-Marsh*, was call'd *Agistamentum*; and the laying such a Proportion of this Duty upon the several Lands, was call'd *Agistatio*; and he who was the Collector and Expender of it, was term'd *Agistor*. See Glossary to Paroch. Antiq. in voce *Agistor*.

Agitatio Animalium in Foresta. The Drift of Beasts in the Forest. *Leges Foresta*.

Agnus Dei. A small Cake, or piece of white Wax, commonly in a flat oval form, stamp'd with the figure of the Lamb of God, and consecrated by the Pope, and then given or sold for a precious Trifle of Superstition.

Agreement. (*Agreementum*, which is according to *Plowden, aggregatio munitum*;) Is a joyning together of two or more Minds in any thing done, or to be done, and this is threefold: 1. An Agreement executed already at the beginning, and of what mention is made, *25 E. 3. cap. 3*. of Cloaths, which saith, *That the Goods bought by Forestallers, being thereof attainted, shall be forfeit to the King, if the Buyer have made Gree with the Seller*: Where the word (*Gree*) which otherwise is Agreement executed, that is, payment for the thing, or satisfaction. 2. An Agreement after an Act done by another, and is executed also; this is where one does an Act, and another agrees to it afterwards. 3. An Agreement executory, or to be done in futuro, for which see *26 H. 8. cap. 3*. And this may be divided into two parts, one which is certain at the beginning, the other when

the certainty doth not appear at first, and the Parties agree that the thing shall be performed or paid, upon the certainty known.

* *Agraria Lex*. Was a Law made by the *Romans*, for the Distribution of Lands among the common People.

Ayde, Auxilium: Is all one in signification with the French (*Aide*) and differs only in pronunciation: But in our Law it is apply'd to divers significations, as sometimes it signifies a *Subsidy*, as 14 E. 3. Stat. 2. cap. 1. sometimes a *Protestation due from Tenants to their Lords*, as towards the Relief due to the Lord Paramount, *Glanville, lib. 9. cap. 8.* This the King, or other Lord, might of old lay on their Tenants, for Knighting his eldest Son at the age of fifteen Years, or marrying his Daughter at seven, *Reg. Orig. fol. 87. a.* and that at what rate themselves listed: But the Statute of *Westm. 1. anno 3 E. 1.* ordained a restraint for so unlimited a Demand; And 25 E. 3. Stat. 5. cap. 11. provides, That the rate set down by the former Statute, should hold in the King as well by other Lords; of which, mention is made 27 H. 8. cap. 10. This Imposition seems to have descended to us from *Normandy* (or rather from a more ancient Original, *The Feodal Laws*) for in the *Grand Customary, cap. 35.* you have a Tractate intituled, *Des aydes Chevalz, i. e. auxiliiis capitalibus*; whereof the first is, a faire l'ene fitz de son Seigneur Chevalier; to make his eldest Son Knight: The second, pur une fille marier; to marry the eldest Daughter; both these, and all charges incident thereunto, are taken away, and discharged by *Stat. 12 Car. 2. cap. 24.* This word is also particularly used in matter of Pleading, for a Petition made in Court for the calling in of help from another that hath an Interest in the Cause in Question, and is likely both to give strength to the Party that prayeth in Aid of him, and also to avoid a Prejudice growing toward his own Right, except it be prevented; as when Tenant for term of Life, by *Curtesie*, Tenant in tail after possibility of Issue extinct, for term of years, at will, by *Elegit*, or by Statute Merchant, being impleaded touching his Estate, may petere auxilium, that is, pray in ayd of him in the Reverſion; that is, desire the Court that he may be called in by Writ, to alledge what he thinketh good for the maintenance both of his Right, and his Own; *Terms de la Ley*: But this course hath been much disused. *Fitzherbert* mentions both *Prier in Ayde*, and *Prier Ayde de Patron*, &c. *Auxilium petere à Patrono*, *Nat. Brev. fol. 50. d.* And the New Book of *Entries, verbo Ayde de parcerer, f. 411. col. 4.* This word is also found in 13 R. 2. cap. 17. This *Ayde prier* is sometimes also used in the King's behoof, that there may be no proceeding against him, until the King's Council be called and heard, to say what they think fit for avoiding the King's prejudice or loss; as if the King's Tenant holding in chief, be demanded a Rent of a common Person, he may pray in Ayd of the King: Also a City or Burrough that hath a Fee-Farm of the King, any thing being demanded against them which belongeth thereunto, may pray in Ayd of the King, &c. *Termes de Ley, 35. 36.* Of this you may read the Statute *De Bigamis, an. 4 E. 1. cap. 1, 2, 3. & an. 14 E. 3. Stat. 1. cap. 14.* The Civil-Law in Suits begun between two, allow a third to come in (*pro interesse*) and he that cometh in for his Interest, comes either *assistendo*, or *opponendo*, &c. See 19 Car. 2. cap. 8. *Vide Recit.*

Ayel, (Avis) Cometh of the French word (*Aieul*) and signifies a Writ, which lies where the Grand-Father, (called by our common Lawyers *Besnyel*) but in true French (*Besayeul*) was seized in his Demesne, as of Fee of any Lands and Tenements in Fee-simple the day that he died, and a Stranger abateth or entreth the same day, and dispossesseth the Heir, *F. N. B. fol. 222. Plow. Com. fol. 449. b.*

Ayre of Hawks. See *Aery*.

Assiamenta, Assiamenta, Easements or Conve-

niences, from the French *Aisé, Easy*; or from the Saxon *Eith*, easie or ready, which *Chaucer* calls *Eith* and *Eth*, and the Northumbrians still use *Eeth*. In Grants of Conveyance and Demise, *Assiamenta* did include any Liberty of Passage, open-way, Water-course, or other customary Benefit, for the easie and accommodation of the Owners and Inhabitants of any House, or the Tenants of any Land. Hence an House of Office is call'd an *Easement*, commonly a House of *Eaje*.

Alanerarius, Robertus de Chedworth, Vice-Com. Linc. liberavit lvi s. viii d. Johanni de Bellovento, pro putura septem Leporarium, & trium Falconem & Alanerarii, & pro vadis unius Bracenarii. 16 Ed. 1. Ancient Tenures, p. 125. where Mr. Blount renders *Anelarius* Falconer; but the Learned *Du-fresne* says, *Alanus* was a Dog well known to the Ancients, in Spain still call'd *Aluno*, (the same I presume with our English *Spaniel*) and therefore thinks *Alanerarius* to be the Keeper or Manager of such Dogs, for the Sport of Hawking.

Alba firma, Censu annualis qui Centenario sive Domino Hundredi penditur. Ideo Alba firma, quod non ex more prius seculi in annona qua tunc Black-mail nuncupata fuit (hoc est, censu vel firma nigra, sed argento, quasi censu albo reddebatur. Spelman. Duplex est tenura in Com. Westmerland. scil. una per Albam firmam, & alia per Cornagium, &c. 2 Part. Inft. fol. 10.

Alba, The Alb, or Aub; the Surplice or white Sacerdotal Vest, used in Divine Service by the officiating Priest, not so plain and simple as what is now more decently prescrib'd by our Church. It was likewise call'd *Camisia, Podaris, Talaris, Subucula, &c.*

Album. Used for White Rent, paid in Silver. *Com. Pas. 6 Hen. 3. Rot. 1. dorso.*

Alderman, Sax. Ealdorman, Lat. Aldermannus, signifies as much as *Senator*, or *Senior*, and was among the Saxons as *Earl* among the Danes, *Camb. Brit. fol. 107. Lamb.* in his Explication of Saxon words, *verbo Senator. Rog. Hoveden. part. posterior suor. annual. fol. 346. b.* At this day we call them Aldermen, who are Associates to the chief Civil Magistrate of a Town-Corporate or City, 24 H. 8. cap. 13. See *Spelman's Glossary* at large on this word; where you shall find that here we had anciently a Title of *Aldermannus Totius Anglie*, witness this Inscription upon a Tomb in *Ramsey Abby, Hic requiescit D. Alwinus in christi Regis Eadgarii cognatus, totius Anglie Aldermannus, & hujus sacri Canobii miraculosus Fundator.*

Alæ Ecclesiæ. The Wings or Side-Isses of the Church: From the French *Les Ailes de l'Eglise*. — *Ad bases pilariorum murus erat tabulis Marmoris compositus, qui Chorum cingens & Presbyterium, corpus Ecclesiæ lateribus que Alæ vocantur, dividebat. Gervas. Dorobern. in Descript. Eccl. Cantuar.*

Alepinian, (Alepinannus) Omnis Alepinam de tota Soca de Hecham debet singulis annis unum denarium de Chevagio; & operabitur per tres Dies in autumnop, exceptis illis qui ab hac servitute liberi sunt. Consuetudinar. de Hecham Prior Lew. M. S. pag. 21. Videtur Alepinannos istos mancipia fuisse; Chevagii enim solutio servitutis judicium est. Spelman.

Ale sans jour, Is the French, and signifies properly in English to go without day; the meaning whereof is to be finally dismissed the Court, because there is no further day assigned for Apperance, *Kitchin, fol. 146.*

Ale-silver, A Rent or Tribute yearly paid to the Lord Mayor of London, by those that sell Ale within the City, *Antiq. Purveyance, fol. 183.*

Ale-taster, Is an Officer appointed in every Court-Leet, and sworn to look to the Alize of Bread, Ale, or Bear, within the Precincts of that Lordship. *Kitchin, fol. 46.* where you may see the form of his Oath.

Alsetum. A Cauldron or Furnace: Sax. *Alseth*, com.

compounded (according to *Du-fresne*) from *Alan* or *Onzlan*, *accendere*; and *Fet vas*; *quasi Vas calefactio- nis*. But more likely from *Ale*, *cerevisia*, and *Fet*; as we still say, the *Ale-far*, or *Ale-vat*, or *Brewing- Vessel*. — *Et si aqua judicium sit, calefiat, donec excitetur ad bullitum, & sit Alsetum ferreum, vel aneum, vel plumbeum. Leges Athelstani Reg. apud Bromp. cap. 19.*

Alias. Vide *Sapias alias*.

Alien. (*Alienare*.) Cometh of the French word (*aliener*) and signifieth as much as to transfer the property of any thing to another. To *alien* in *mortmain*, is to make over Lands or Tenements to a Religious House or other Body Politick, *Scamf. Præf. Reg. fol. 48.* See *Mortmain*. To *alien* in *Fee*, is to sell the Fee-simple of any Land or Tenement, or of any Incorporeal right, *West. 2. cap. 25. an. 13 E. 1.*

Alien. *Alius*, *Alienus*, *Alienigena*, signifies one born in a strange Country: It is usually taken for the contrary to a *Denizen*, or Natural Subject; that is, one born in a strange Country, and never here enfranchised, *Bro. Denizen 4.* Yet a Man born out of the Land, so far be within the Limits of the King's Obedience, beyond the Seas, or of English Parents out of the King's Obedience; so the Parents at the time of the Birth be of such Obedience, is no *Alien* in account, but a Subject, *Stat. 2. 25 E. 3.* commonly called the Statute *De natis ultra mare*. Also, if one born out of the King's allegiance, come and dwell in England, his Children begotten here, are not *Aliens*, but *Denizens*, *Co. Rep. lib. 7. Calvin's Case.* See *Denizen*.

Alien-Privileges. Those Cells of the Religious in England, which belong'd to foreign Monasteries. These were dissolv'd by Authority of Parliament, in the Reign of *Hen. 4.* but some were made *Indigena*, or *Endeniz'd*.

Alienation. Is to make a thing another Man's, or to alter and put the Possession of Lands or Tenements, or other things, from one Man to another. And in some cases a Man hath power so to do without the assent or licence of another, and in some not; as if Tenant in *Capite alien* his Estate without the King's licence, then by the Stat. of 1 E. 3. cap. 12. a reasonable Fine shall be taken, whereas at the Common-Law, before that Statute, they were held forfeit, &c. *Co. lib. 6. fol. 28.* But if a Man will *alien* Land in Fee-simple to a Religious House, or Body-Corporate, it behoves him to have the King's licence to make this *Alienation*, otherwise the Lands shall be forfeit, by the Stat. of 15 R. 2. cap. 5.

Alimony. *Alimonia*, Maintenance: But in a Legal sense, signifies that allowance that a married Woman sues for, upon any occasional Separation from her Husband; wherein she is not charged with *Elopement* or *Adultery*. This *Alimony* was heretofore called *Rationabile estoverium*, as we may see by this Writ: *Rex, &c. Precipimus tibi quod de Maritagio Emme de Pinckney uxoris Laurentii Penir, qui excommunicatus est, eo quod prædictam Emmam affectione maritali non tractat, eidem Emmæ Rationabile estoverium suum invenias, donec idem Laurentius vir suus eam tanquam uxorem suam tractaverit, ne iteratus clamor ad nos inde perveniat, T. 29. Aug. Anno Regni nostri 7. Rot. Claus. 7. Hen. p. 1. m. 3.*

Alloy. French, in Latine *Alloys*, is used for the temper or mixture of other Metals with Silver and Gold, *Anno 9 H. 5. Stat. 2. cap. 4. and Stat. 1. cap. 11.* The reason of which *Alloy* is, with a baser metal to augment the weight of the Silver or Gold, so much as may countervail the Prince's charge in *Coynage*, *Anton. Faber. de Nummulariorum debitorum solutionibus, cap. 1.* **Alloy.** A Pound weight of right Standard Gold of England, consists of Twenty three Carats, and three Grains and a half of fine Gold, and half a Grain of *Alloy*. A Pound weight of right Standard Silver, of England, consists of

eleven Ounces of fine Silver, and eighteen Penny-weight *Alloy*. Vide *Lownd's Essay upon Coyns, p. 19.* The *Alloy* of Silver continues the same; but that of Gold is alter'd, the present Standard of Gold in the Mint being Twenty two Carats fine, and two Carats *Alloy*; the difference of which is only one Carat three Grains and a half.

Alleviare. To levy or pay an accustom'd Fine or Composition. *Sokemanni Prioratus de Spalding, debent alleviare filios suos — i. e.* They ought to pay to their Lord the price of redemption for their Daughters, or pay an accustom'd rate for licence to marry them. *Brady Pref. to Engl. Hist. p. 64.*

Allegiare. To excuse, defend, or to justify by course of Law. — *Si quis se velit allegiare secundum Regis weregildum hoc faciat. Leges Alwredi cap. 4. — Allegiare se facinoris, i. e.* Clear or purge himself of the crime objected to him. *Ibid. cap. 16. Spehman.*

Allegiantia. *Allegiance*: The word at first properly imply'd the due and legal subjection of every Vassal to his Lord. It is now restrain'd to the Natural and Sworn allegiance or legal Obedience, which every Subject owes to his Prince.

Allocation. (*Allocatio*) Properly a placing or adding to; but in the sense of Law it is an Allowance made upon an account in the *Exchequer*.

Allocacione factenda. Is a Writ directed to the Lord Treasurer and Barons of the *Exchequer*, upon complaint of some Accountant, commanding them to allow him such sums as he hath by virtue of his Office lawfully and reasonably expended, *Regist. Orig. fol. 206. b.*

Allodium. See *Fee*. *Allodian* Lands are free Lands, which pay no Fines or Services.

Alluminor. Is derived from the French word *Allumer*, *i. e. accendere*, and denotes one that by his Trade coloureth or painteth upon Paper or Parchment: And the reason is, because he gives light and ornament by his Colours to the Letters, or other Figures coloured. The word is used *anno 1 R. 3. cap. 9.* At this day we call such a one a *Linner*.

Almaine rivets, is a light kind of Armour for a Man, with Sleeves of Mail, or Plates of Iron, for the defence of his Arms; this may seem to have been the Pattern of the Rocket, not long since in use among us, having loose Sleeves, which the Livery Clokes of Noblemen's Coachmen may also seem to imitate.

Almuer or **Almouer.** (*Eleemosynarius*) Is an Officer of a King's or Prince's House, whose Office is diligently to collect all the Fragments of Victuals, and distribute them daily to the Poor; charitably to visit all Sick, Leprous, Prisoners, poor Widows, and other necessitous and vagrant People, that have no constant Abode: likewise to receive, and faithfully distribute all cast Horses, Robes, Money, and other things given in Alms. He ought also by frequent Admonitions, to move the King to bestow his Alms, and especially upon *Saints*, or *Holy-days*, and to advise him not to give his rich Robes to Players, Sycophants, Flatterers, Whispersers, or Minstrels, but that he command them to be bestowed as an increase of his Alms: *Eleta, lib. 2. c. 22.* He hath the Forfeiture of all *Deadlands*, and the Goods of *Felons de se*, which he is to dispose in Alms to the Poor: *Termes de ley, 39.*

Almoine. See *Almone*, and *Frank-almoine*.

Almonarium. *Almonaria*, *Almeriola*. A Cupboard or Safe, to set up cold and broken Victuals, to be thence distributed for Alms to the Poor. This sort of Repository is in the Northern parts still call'd the *Ambry*, *Ambry*, and *Amnery*. — *Not dedimus totam illam Seldam vocatam le Huse, cum Schepis, Solaris, Stallis, Cistis, & Almorietis, cum omnibus suis pertinentiis. Cart. 5. Rich. 2. Cartular. Hospital. SS. Trinit. de Pontefracto MS. f. 44.*

Almesfeoh or **Aelmesfeoh**, Saxon; that is, **Alms-Money**: It was taken for *Peter-pence*, anciently paid in *England*, on the first of *August*, and first given by *Ina* King of the *West-Saxons*. It was called also *Romefeoh*, *Romesfor*, and *Heorthpening*. *Selden's Hist. Tythes*, pag. 107.

Almond, *Amygdalum*, Is well known to every Mans sight, being the Kernel of a Nut, of whose nature and diversities, read *Gerard's Herbal*, lib. 3. cap. 87. This is noted among Merchandise, that are to be garbled, anno 1 Jac. cap. 19.

Almond-Furnace. At the Silver Mills in *Cardigan-shire*, they have a particular Furnace, in which they melt the Slags or Refuse of the Litharge not stamped, with Char-coal only, which they call the *Almond*, or *Almond-Furnace*. Perhaps *All-many*, Sax. *All-meneyth*, Mixt all together.

Alnage, French *Aulnage*; the measuring with an Ell, 17 E. 4. cap. 5. See *Alnager*.

Alnager, *Alnagcor*, *Aulnager*, *Alneger*. In Latin *Ulniger* or *Ulnator*; that is, a Measurer by the Ell: It may be derived from the French word *Aulne*, an Ell, and signifieth a publick sworn Officer of the King's, who by himself, or his Deputy, looks to the Assize of Woollen-Cloth made through the Land, and to the Seals for that purpose ordained, 25 E. 3. Stat. 4. cap. 1. and 3 R. 2. cap. 2. who is accountable to the King, for every Cloth so sealed in a Fee or Custom thereunto belonging, anno 17 R. 2. cap. 2. Read of this more, 27. E. 3. 4. 1 H. 4. 13. 7. H. 4. 10. 11 H. 4. 6. 12 H. 4. 4. 11 H. 6. 9. 31 H. 6. 5. 4 E. 4. 1. 8 E. 4. 1. & 1 H. 3. 8. There are now three Officers belonging to the Regulation of Clothing, all which were anciently comprised in one Person. These bear the distinct Names of *Searcher*, *Measurer*, and *Alneger*; which last, though in a several Language, it be the same with *Measurer*; yet long Usage and Custom have brought them to distinct Offices, and that which was anciently called *Alnager*, is now become Collector of the Subsidy granted to the King, by the fore-mentioned Statutes, still holding the same Name; because the Collection of that Subsidy was by *Edw.* the Third committed to the *Alnager*, and he nevertheless not abridged of measuring, till by his own neglect separated: Inasmuch as there is now a peculiar *Measurer* to every particular Cloth made in *England* and *Wales*: And to prevent Abuses, an Officer of *Searching* is established by an Act of Parliament, who ought by peculiar Seal, to denote the Defects which each Cloth contains. All these were anciently under the Cognizance of the *Alnager*, as you may read at large in a Treatise, entitled *The Golden Fleece*, Printed an. 1556. See 4. Inst. fol. 31.

Alnetum, est ubi alni arbores crescent; A place where Alder-Trees grow, *Domesday-Book*.

Alodium, Signifies a Mannor, and *Alsidarii* or *Alodarii*, the Lords of the same Mannor. The old Translation of the Saxon Laws useth this word for *Bockland*. And *Alodarii*, or rather, as I believe, *Alodacii*, for them that hold *Bockland* or *Charterlands*. Quando moritur Alodarius, Rex inde habet relevationem terra, &c. *Domesday*, *Rent*, and *Coke's 1. Instit. fol. 1. and 5.* See *Fes*.

Altarage, *Altarium*; This word includes not only the Offerings made upon the Altar, but also all the profit that arises to the Priest by reason of the Altar, *Obventio Altaris*, as appears by an Order made in the Term of St. Michael 21, viz. in the Exchequer, between *Turner* Vicar of *Westhaddon* in *Com. Northamp.* and *Andrews*, whereby is declared, That by *Altarium* is meant Tithes of Wooll, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and other such small Tithes, with Offerings that shall be due in the Parish of *Westhaddon*.

See the Order at large, *Inter ordines in custodia Rememorator. Reg. ibid.* And the like Cafe was for *Norton* in *Northamptonshire*, of a latter date, *Oblationes sive nummorum sive panum, tali vel tali Altari, vel ex devotione, vel ex consuetudine, aut a Parochianis, aut ab extraneis facte Altaragii nomine, consuebantur*, Gloss. in *Mat. Paris.*

The word *Altarage* could signifie at first no more, than the casual profits arising to the Priest, from the Peoples voluntary Oblations at the Altar. Out of these Customary Dues, the Religious assigned a portion to the Vicar; but in such different Quantity and Method, that since the Reformation, several disputes have arose, what Dues were comprehended under the Title of *Altarium*; which was remarkably determined to comprise all Offerings and small Tithes, in a Trial in the Exchequer, in Mich. Term 21 Eliz. Which Judgment, I presume, might be grounded on this and other Authorities: The Ordination of the Vicarage of *Tickhill* by *Walter Grey* Archbishop of *York*, an. D. 1249. *Vicarius ad sustentationem sui—habeat totum Altarium; ita quod nomine Altaragii contineantur omnes obventiones, Decime & proventus ipsius Ecclesie de Tickhill, exceptis Decimis bladi leguminis, & fani, & terris ad dictam Ecclesiam pertinentibus, salvo competente manso Vicario assignando.* Mon. Ang. Tom. 3. p. 158. b. Hence, tho' it seems to be certain, That the Religious when they first allotted the *Altarium* in part or whole, to the Capellane or Vicar, they meant only the Arbitrary or accustomed Offerings at the Altar, and not any share of the standing Tithes, whether Predial or Mixt: Yet it being usual for the Religious to content themselves with the greater profits of Glebe and Tenths of Corn and Hay, and to leave the inconsiderable small Tithes to the Officiating Priests: Hence *Altarium* by degrees was suppos'd to include all Dues, except as before excepted.

Alto & Basso, or in *Alto* & in *Basso*. By this is meant the absolute Submission of all Differences, small and great, high and low, *Pateat Universis, &c. quod W. T. de Y. & T. G. de A. posuerunt se in alto & basso, in arbitrio quatuor hominum, &c. de quadam querela, &c. Dat. apud A. die Mercurii prox. post Fest. Conceptionis B. Mar. Virg. anno 2 H. 5.* And the like signification it hath in *Plac. coram Rege Hill. 18 E. 1. Ipse Prior venit & Bogo similiter, & ponunt se in gratiam, misericordiam & voluntatem Regis de Alto & Basso, ad quod mandatum Turri London, &c.*

Amayl, *Enamel*. — *Una cuppa rubea de Sarny bene brudata imaginibus in tabernaculis, cum uno Noacho nobili de argento cum solutione protracta in Amayl saphyri coloris.* *Histor. Elien. apud Whartoni Angl. Sac. P. 1. p. 642.* — *Prior Eliensis contulit Altari unum dorsale magnum, & duas pelves argenteas nobiles & pulcras quarum labra sunt per gyrum deaurata, & in fundo Amayl inserti in opere artificioso.* Ib. p. 649.

Amabyr, vel *Amvabyr*, Pretium Virginitatis domino solvendum. LL. Gul. Howeli Dha. Sic dicitur esse desertum Regis, & ob hoc Regis de ea Amvabyr habere. This Custom was in the Honor of *Clun*, till *Henry Earl of Arundel*, by his Deed dated 31 Aug. 3. 4. Phil. Mar. releas'd it to his Tenants, by the name of The Custom of *Amabyr*, and *Cheverage*. See *Cheverage*.

Ambidexter, Properly denotes a Man that can equally use both his Hands: But in a Legal sense, it signifies, That Juror or Embracior, that takes Money on both Parties for the giving of his Verdict, for which he forfeits *Decies tantum*, ten times so much as he taketh, 38 E. 3. 12. *Crompt. Just. of Peace, fol. 156. b.*

Ambra, Sax. *Amber*, Lat. *Amphora*: A Vessel among our Saxons, the quantity now not known: But I have seen in an old Deed mention of *Ambra Salis*. It was not only a Measure of Salt, but of Beer, Butter, Meal, &c. as appears by these Authorities. *Leges Ine West-*

Vest-Sax. Tit. 74. — *Ambra cerevisie Wallice plena ambra butyri.* — *Leges Adelftani Regis Tit. 3. de duas meis firmis, dent eis singulis mensibus ambra plena farine.*

Amr, Vide Auno.

Amenable, From the French word *Amener*, *Adducere*, to lead unto; or as some *Amaynable*, deducting it from (*Main*) a Hand: It signifies *Tractable*, that may be led or governed. It is applied in our Law-Books to a Woman, that is governable by her Husband.

Amendment, Emendatio, Signifieth in our Common-Law, a Correction of an Error committed in a Process, and espied before Judgment, *Termes de la ley, Bro. tit. Amendment, per tot.* But if the fault be found after Judgment given, the party that will redress it, is driven to his Writ of Error, *Bro. tit. Error.*

Amercement, Amercementum, Signifieth the pecuniary punishment of an Offender against the King, or other Lord in his Court, that is found to be in *Misericordia*; that is, to have offended, and to stand at the Mercy of the King or Lord. There seems to be a difference between *Amercements* and *Fines*, *Kitchin fol. 214.* For *Fines*, as they are taken for Punishments, be certain, and grow expressly from some Statute, but *Amercements* are such as be arbitrarily imposed by *Affessors*, which *Kitchin, fol. 78.* in some manner confirms in these words, *L'amerement est affire per pares.* *Manswood* in his *Forest-Laws, part. 1. fol. 166.* saith, An *Amercement* is more easie, or more merciful penalty, and a *Fine* more sharp or grievous. His words are these, *If the Pledges for such a Trespass do appear by common Summons, but not the Defendant himself, then the Pledges for shall be imprisoned for that default of the Defendant. But otherwise it is, if the Defendant himself do appear and be ready in Court before the Lord Justice in Eyre, to receive his Judgment, and pay his fine: But if such Pledges do make default, in that case the Pledges shall be Amerced, but not Fined.* The Author of the *New Terms of Law*, saith, That *Amercement* is properly a Penalty assessed by the Peers or Equals of the Party amerced, for an Offence done; for the which he putteth himself upon the Mercy of the Lord: Who also maketh mention of an *Amercement-Royal*, and defines it to be a pecuniary Punishment laid upon a Sheriff, Coroner, or such like Officer of the King, by Justices for some Offence. *Ratcliff Baron of the Exchequer, 2. H. 7. fol. 7.* See *Misericordia*. If the *Amercement* were too grievous, i. e. disproportion'd to the nature of the Offence, or the abilities of the Offendour, there was a Release to be sued by a Writ call'd *Moderata Misericordia*. *Amercementum illevariabile*, were such *amercements* as thro poverty, or escape of the *amerced*, became desperate Debts, and were deducted in the Accounts of the Bayliff, or Steward, or Collector of Rents and other Dues. So *A. D. 1425.* the Prior and Canons of *Burcester*, allow'd to the Receiver of their Rents at *Kirthington*. — *In allocutio eidem pro Amerciamentis illevariabilibus hoc anno sex denarios.* See *Mr. Kemet's Paroch. Antiq. 573.* and *Glossary, in voce Amercementum.*

Amittere legem terræ. To lose the Liberty of swearing in any Court, (or as *Sr. Edw. Coke* says) to become infamous, is used by *Glossul, lib. 2. cap. 3.* for the punishment of the Champion, overcome or yielding in Battle, upon a Writ of Right, and of Jurors found guilty in a Writ of Attaint. *Selden's Titles of Honour.*

Ammobragium. — *Richardus de Pynelesdon, tenet terras in Worthenbury in partibus de Muller, says, Nec in Com. Flint, que tenentur de Domino Rege per certa servitia, & per Ammobragium quod ad quinque solidos extenditur cum acciderit.* — *Pat. 7. Ed. 2. m. 7.*

Amortization, Amortizatio, French *Amortissement*; est *prediorum translatio in Manum mortuam quod sa-*

men sine venta Principi non fiat. Jus Amortizationis est privilegium seu licentia capiendi in Manum mortuam. In the Statute *De libertatibus perquirendis, 27 E. 1.* this word *Amortissement* is used. See *Mortmayne.*

Amortise, (from the French word *Amortir*) Is to aliene Land or Tenements to any Corporation, Guild or Fraternity, and their Successors, which cannot be done without License of the King, and the Lord of the Mannor, *15 R. 2. cap. 5.* See *Mortmayn*, and the Statute of *Amortizing Lands, made tempore Ed. 1.*

Amoveas manum. See *Ouster le mayn.*

Amv, Amicus, As in Law *Prochein amiz*, is the next to be trusted for an Orphant, or Infant.

Ampliation, Ampliatio, properly an Enlargement; but in sense of Law, denotes a deferring of Judgment, till the Cause be further examined.

Amnesia, Obliuio, as an *Amnesia*, or Act Oblivion, such as was granted by our most Gracious Majesty at his Restoration.

An, jour & Waste, (Annis, Dies & Vastum) Look Year, Day and Waste.

Analogium. *Rex Johannes concedit Jordano de London Analogium dumisie apud Bray in feudo. Rot. Cart. 7. Joh. m. 1.*

Analing of Tile, *17 E. 4. cap. 4.*

Ancozage, (Ancoragium) A Duty taken of Ships for the Pool of the Haven where they cast Anchor, *M. S. Arth. Trevor &c.* For no Man can let any Anchor fall on the King's Ground in any Port, without paying for it to the King's Officer appointed by Patent.

Ancestor, Antecessor, The signification is well known; and the Law makes this difference between that and Predecessor, that Ancestor is applied to a natural Person, as *J. S.* and his Ancestors; the other to a Body-Politick or Corporate, as a Bishop and his Predecessors, *Co. on Lit. lib. 2. cap. 4. sect. 103.* The word *Antecessor* in the Forinick sense was not properly applied to the Ancestor of a Family: but either to the Preposessor of an Estate, or the Predecessor in an Office.

Ancestrel, As Homage Ancestrel; that is, Homage that hath been done or performed by one's Ancestors. See *Homage.*

Ancient, Ashent. The Flag or Sreamer in the Stern of a Ship. The Seamen are the greatest corrupters of words: Thus from the *Portugal* word *Allagerto* a Crocodile, our Mariners call that Beast or Fish an *Allegator*. And from the *Portuguez* *Logusta*, they call the prickly Lobster, that wants Legs, common in the Southern Sea, a *Long-Oyster*. So probably from *End-sheet* (for Seamen call their Sails Sheets) a proper name for the Flag in the Stern, they corruptly speak *Ashent*.

Ancient, In the *Middle-Temple*, such as are past their Reading, and never read, are *Ancients*. In *Gray's-Inn* the Society consists of *Benchers, Ancients, Barristers*, and *Students* under the Bar, and here the *Ancients* are of the more *Ancient Barristers*. The *Inns of Chancery* consist of *Ancients* and *Students*, or *Clerks*, and among the *Ancients*, one is yearly the *Principal*, or *Treasurer*.

Ancient demesne or demayn, (Vetus Patrimonium Domini) Is a certain Tenure, whereby all Mannors belonging to the Crown in the days of *Saint Edward*, or *William the Conqueror*, were held. The numbers and names of which Mannors, as of all others belonging to common Persons, after a Survey made of them, he caused to be written in a Book, now remaining in the *Exchequer*, and call'd *Domesday*. And those, which by that Book appear, to have at that time belonged to the Crown, and are contained under the Title, *Terra Regis*, are called *Ancient Demesne*, *Kitchin fol. 98.* Of these Tenants were two sorts; one that held their Lands frankly by Charter, the other by Copy of Court-Roll,

or by the Verge at the Will of the Lord, according to the Custom of the Mannor, *Britton, cap. 66. num. 8.* The benefit of this *Tenure* consists in these Points: 1. The Tenants holding by Charter, cannot be impleaded out of their Mannor; or, if they be, they may abate the Writ, by pleading their *Tenure*. 2. They are free from Toll for all things concerning their Livelihood and Husbandry. They may not be empannelled upon any Enquest, *F. N. B. fol. 14. d. & fol. 228. &c.* By whom it appears, these Tenants held originally by ploughing the King's Lands, plashing his Hedges, or such like, towards the maintenance of his Household; for which cause they had such Liberties granted. No Lands ought to be esteemed *Ancient Demejns*, but such as are held in *Soccage*. See *Monfraverunt* and *Demayn*.

Anciently, (French *Ancienete*, that is, *Antiquitas*) It is used in *Statuto Hibernia*, 14 H. 3. for Seniority. As, *The eldest Sister can demand no more than her other Sisters, by reason of her Ancienty.*

Anconies of Iron: At the Iron works, in the Forge, call'd the *Finery*: they work the Metal by the Hammer, till they bring it into *Blooms* and *Anconies*; a *Bloom* is a four-square mass two foot long, which they afterwards by heating and working, bring to an *Ancony*, the figure whereof is in the middle a Bar about three foot long, of that shape which they intend the whole Bar shall be after made, leaving at each end a square rough piece to be wrought at the Chafery.

Andena, A swath in Mowing. See *Dole*.

Angild, *Angildum*. The bare single valuation, or compensation of a Man or thing, according to the legal Estimate: from the Sax. *Ang*, One, and *gild*, Payment, Mulct, or Fine. So *Twigild* was the double Fine; *Trigild* the treble Fine, according to the rated ability of the Person. See the Laws of *Ina*, cap. 20. and the League between King *Alfred* and *Guthurn*, cap. 6. *Spelman*.

Angaria. Any troublesome or vexatious Duty or Service, paid by the Tenant to the Lord. — *Terram liberam ab omnibus Angariis & vexationibus*; from the French *Angarie*, i. e. Personal Service, that which a Man is bound to perform in his own Person. *Prestationes Angariatum & Perangariatum plaustrorum & navium*; Impressing of Ships.

Anshore, *Anshore*, *Anlot*. *Decreta Will. Conq. apud Hoveden*, in Hen. 2. — *Francigena qui tempore Edwardi propinquus mei fuerit in Anglia particeps, consuetudinum Anglorum, quod ipsi dicunt Anloti, & Anscoti, persolvunt secundum consuetudinem Anglorum*. The Sax. in *Lambard* reads it *Anshlot* and *An Shore*; & in margin *vulgo Scot & Lor*. The sense is no more, than that every one should pay, according to the custom of the Country, his respective part and share, *Spelman*.

Annales. Yearlings, or young Cattle of the first Year. — *Vituli primo anno postquam nati sunt, Vituli vocantur; secundo compoto Annales vocantur; tertio Boviculi; quarto Bovetti vocantur, Regule compoti domus de Barendon MS.*

Annats, *Annates*, Are all one with *First-Fruits*, an. 25 H. 8. cap. 20. See *First-Fruits*. The reason of the Name is, because the rate of *First-Fruits* paid to Spiritual Livings, is after the value of one Years profit. *Annates more suo appellant primos fructus unius anni sacerdotii vacantis: aut dimidiam eorum partem*. *Pol. Virgil. de Invent. rer. lib. 8. cap. 2.* Here observe, That *First-Fruits*, *Primitivae* & *Annates*, are all one, *Co. 12. Rep. fol. 45.*

Anniented, Cometh of the French word *Anneancir*, that is, *Abficere*; it signifies in Law as much as frustrated, or brought to nought, *Lit. 3. cap. Warranty*, and *Self. 741.*

Anniversary days, (*Dies Anniversarii*) Were in former times solemn Days appointed in Commemora-

tion of the Deaths or Martyrdoms of Saints, and once every Year celebrated: Also Days whereon, at the return of every Year, Men were wont to pray for the Souls of their deceased Friends, mentioned in the Statute 1 Ed. 6. cap. 14. and 12 Car. 2. cap. 13. This was in use among our Ancestors the Saxons, as may be seen, *Lib. Rames, Sect. 134.* The Anniversary or yearly Return of the Day of Death of any Person, which the Religious registered in their Obitual or Martyrology, and annually observ'd in gratitude to their Founders and Benefactors, was by our Fore-fathers call'd a *Year-Day*, and a *Mind-Day*, i. e. a Memorial-Day. This was one of the trading Arts of the Religious, who got many a Pittance and Legacy for thus recording and continuing the Memorial of their Friends. Yet abating the Superstition, we must needs confess this Practice of theirs has been a great advantage to the History of Men and Times, by fixing the *Obits* of Great and Good Men.

Annua Pensione, Is a Writ whereby the King having due unto him an Annual Pension from an Abbot or Prior, for any of his Chaplains (whom he should think fit to nominate, being as yet unprovided of sufficient Living) doth demand the same of the same Abbot or Prior; and also willer him for his Chaplains better assurance, to give him his Letters Patent for the same, *Reg. Orig. fol. 165. & 309. & F. N. B. 231.* Where you may see the Names of all the Abbies and Pories bound to this, in respect of their Foundation or Creation; as also the Form of the Letters Patent, usually granted upon this Writ.

Anni nubiles. The marriageable age of a Maiden, i. e. at 12 Years: Before which time, she is said to be *infra annos nubiles*. *Vid. Coke 2. Inst. f. 434.*

Anno Domini, Is that reckoning of Time from the Birth of our Saviour, which is generally used in all publick Writings, with an addition of the Year of the King's Reign. The Romans began their *Era* from the Building of their City: The Greeks reckon'd by *Olympiads*: And the Christians from the Birth of Jesus Christ. The Day of the Month, Year of our Lord, and Year of the King's Reign, are the usual Dates of Deeds, *Co. 1. Inst. fol. 675.*

Annualia, *Annats*, or a Yearly Stipend assign'd to a Priest, for keeping the Anniversary, or otherwise for saying continued Masses one Year, for the Soul of a deceased Person. — *Inhibemus quoque districtius ne aliquis Rector Ecclesiae faciat huiusmodi pactum cum suo Sacerdote, videlicet quod ipse Sacerdos praeter cetera stipendia poterit recipere Annualia & Triennialia*. *Const. Rob. Grosstest Episcopi Lincol. in Append. ad Fascic. pag. 411.*

Annuity, *Annuus redditus*, Signifies a yearly Rent to be paid for term of Life, or Years, or in Fee; and is also used for the Writ that lieth against a Man for the recovery of such a Rent, if it be not satisfied every Year according to the Grant, *Reg. Orig. fol. 158. F. N. B. fol. 152.* The Author of the *New Terms of Law*, denieth *Annuity*, to be a certain sum of Money granted to another in Fee-simple, Fee-tail, for term of Life or Years, to receive of the Grantor or his Heirs, so that no Free-hold be charged therewith, whereof a Man shall never have Assize, or other Action, but a Writ of *Annuity*. *Saint Germain*, in his Book stiled *Doctor and Student*, *Dial. 1. cap. 3.* sheweth divers Differences between a Rent and an *Annuity*; viz. That every Rent, be it Rent-Charge, Rent-Service, or Rent-Seck, is going out of Lands; but an *Annuity* goeth not out of any Land, but chargeth only the Person; that is to say, the Grantor, or his Heirs, that have *Assers by descent*: Or the House, if it be granted by a House of Religion, *Lit. Sect. 220. 2.* A second Difference is, That for the recovery of an *Annuity*, no Action lieth, but only a Writ of *Annuity* against the Grantor, his Heirs or Successors.

Fitz. Nat. Brev. 152. But of a Rent, the same Actions lye as do of Land, as the case requireth. 3. The third Difference is, That an *Annuity* is never taken for *Assets*, because it is no Free-hold in Law, neither shall be put in Execution upon a *Statute-Merchant*, *Staple*, or *Elogit*, as a Rent may, *Doct. and Sen. cap. 30.* So also *Dyer fol. 345. Pl. 2.* Also an *Annuity* cannot be severed, *Co. lib. 8. fol. 52. b.* See more *Leigh's Comment. verbo Annuity.*

Annis-seed, Semen Anyfi, a Medicinal Seed, not unknown, *Gerard's Herbal. lib. 2. cap. 397.* It is noted among the Garbleable Drugs and Spices, 1 *Jac. c. 19.*

Anoyfance, Alias *Noyfance*, alias *Nufance*, in Latine *Nocumentum*, in French *Nuisance*, hath a double signification, being used as well for any hurt done to a publick place, as a High-way, Bridge, or common River; or to a Private, by laying any thing that may breed Infection, by incroaching, or otherwise: As also, for the Writ that is brought upon such transgression; whereof see more in *Nufance*: This word *Anoyfance*, you may find, anno 22. H. 8. cap. 5.

Anfel weight. See *Aunfel*.

Apostare Leges, a *Apostatare Leges*. Wilfully to break or transgress the Laws, *Leg. Edw. Conf. cap. 23. Tit. de Heterochis Qui leges Apostabit*, — *vera sue rem sit apud Regem, ad idem in R. Hen. 1. cap. 13.* where *Apostabit* is read *Apostatabit*, *Spelman.*

Apostata capiendo, Is a Writ that lieth against one, that having entred and profess'd some Order of Religion, breaks out again, and wanders up and down the Country, contrary to the Rules of his Order; for the Abbot or Prior of the House, certifying this into the Chancery, under their Common Seal, and praying this Writ directed to the Sheriff, for the Apprehension of such Offender, and Delivery of him again to his Abbot or Prior, or their lawful Attorney, were wont to obtain the same. The Form whereof, with other Circumstances, you may find *Reg. Orig. fol. 71. & 267.* and *Fitz. Nat. Brev. fol. 233. C.* This is now out of use.

Apparitor, 21 H. 8. cap. 5. Signifies a Messenger that cites Offenders to appear in the Spiritual Court, and serves the Process thereof. The Office of an *Apparitor* will best appear from this Commission of *Walt. Archbishop of Cant. Walterus Dei gratia Cant. Archiep. totius Anglia Primas, dilecto Filio Willielmo de Graffone in Apparitoris Officio, in Curia nostra Cantuar. videlicet in Consistorio ac Decanatu nostro Ecclesie Beatae Mariae de Arcubus London. ministranti Salutem Gratiam & Benedictionem. Personam tuam eo quod de fidelitate in dicto Officio per laudabile testimonium apud Nos multipliciter commendari volentes prosequi cum favore, dictum Apparitoris Officium in Curia Consistorio & Decanatu predictis perpetuo possidendum tibi conferimus per presentes. Ita tamen quod te fideliter geras in Officio predicto memorato. Volentes & tibi specialiter concedentes, ut cum in ministerio dicti Officii per teipsum personaliter vacare non poteris, vel absens fueris a Curia Consistorio & Decanatu predictis, nihilominus per aliam idoneam personam, quem ad hoc assignandum omnia & singula qua dicto incumbens Officio — facere valeas, & juxta exercere — Dat. apud Lambeth. 8. Id. Mars. 1316.*

Apparitor Comitatus. There was an Allowance to the Sheriff of Bucks, of a considerable yearly sum, ut *Apparitori Comitatus*. There was an Order of Court in Q. Eliz. time, for making that Allowance: But the Custom and the Reason of it are now altered. *Vid. Hales of Sheriffs Accompt, p. 104.*

Apparlement, Cometh from the French *Parcèlement*, that is, *Similiter*, *Perinde*, *Uidem*, in English likewise; it signifies a resemblance or likelihood, as *Apparlement of War*, 2 R. 2. Stat. 1. cap. 6.

Apparura. Furniture, *Appertinencia Domus* clamat habere omnes carrucas ferra non ligatas, & omnes

carrucas cum tota Apparura. *Placit. in Lit. apud Cartulare, 14 H. 7. Carrucarum Apparura* is Plough-tackle, or all the Implements belonging to a Plough.

Appeal, *Appellum*, Cometh from the French word *Appeller*, that is, *Accire*: It signifies in our Common-Law as much as *Accusatio*, with the Civilians; for as in the Civil-Law, Cognissance of Criminal Causes is taken either upon *Inquisition*, *Denunciation* or *Accusation*; so in Ours, upon *Indictment* or *Appeal*; *Indictment* comprehending both *Inquisition* and *Denunciation*: And *Accusation* or *Appeal*, is a lawful Declaration of another Man's Crime (which by *Bracton* must be Felony at the least) before a competent Judge, by one that setteth his Name to the Declaration, and undertakes to prove it upon the penalty that may ensue of the contrary. To declare the whole course of an *Appeal*, is not proper for this place; I refer you to *Bracton, lib. 3. tract. 2. cap. 18. cum sequent.* *Britton, cap. 22, 23, 24, 25.* *Smith, lib. 3. de Repub. Angl. ca. 3.* And *Stamf. Pl. Cor. lib. 2. cap. 6, 7. &c. usque 17.* An *Appeal* is commenced two ways, either by *Writ*, or by *Bill*, *Stamf. ubi supra*; and it may be gathered by him, *fol. 148.* that an *Appeal* by *Writ* is, when a *Writ* is purchased out of Chancery by one to another, to this end, that he *Appeal* a third of some Felony committed by him, finding Pledges that he shall do it, and deliver the *Writ* to the Sheriff or Coroner, offering to undergo the burthen of appealing another therein named. This point of our Law, among others, is taken from the *Normans*, as appears plainly by the *Grand Customary, cap. 68.* where there is a solemn Discourse both of the Effects of this *Appeal*, viz. The Order of *Combar*, and of the *Trial* by *Inquest*; of either of which it is in the Defendant's power to make choice. See *New Book of Entries, verbo Appell, lib. Aff. fol. 78. and 3. part. Inst. fol. 131.* Appeals to Rome were so great an interruption to all English Justice, that even in those times of Slavery, this Evacuation of National Justice, by appealing to the Pope, was forbid and severely punish'd. So when *Gilbert de Segrave*, Arch-deacon of Oxford, in 33 Edw. 1. appealed from the King's Court to the Pope of Rome, he was summon'd to *Westminster*, and oblig'd to renounce his *Appeal* by Oath, and to find Pledges for appearing at the next Parliament.

Appeal of Mayhem, *Appellum Mahemii*, Is an accusing one that hath maimed another. But that being no Felony, the *Appeal* is but a kind of Action of *Trespas*, because there is nothing recover'd but Damages. *Bracton* calls this *Appellum de plagis & Mahemio*, and writes a whole Chapter about it, *lib. 3. tract. 2. ca. 24.* See *Coke, vol. 4. fol. 49. a.* In King John's Time, there is an *Appeal* recorded against a Jew, *Qui fecit ementulari quendam nepotem suum.*

Appeal of wrong Imprisonment, (*Appellum de pace & imprisonment*) Is used by *Bracton* for an Action of *Wrong Imprisonment*, whereof he writeth *lib. 3. tract. 2. cap. 25.*

Appeal, (*Appellatio*) Many times used in the Common, as it is in the Civil-Law, which is the removing a Cause from an Inferior Judge to a Superior; as *Appeal to Rome*, 24 H. 8. ca. 12. and 3 Eliz. ca. 1. So *St. Paul* appealed from *Festus* to *Cesar*. But more commonly for a private Accusation of a Murderer, by a Person who had Interest in the party murdered, or of any Felon, by one of his Complices with him. And those that are so appealed, are call'd *Appellees*, 28 E. 1. See *Approver*.

Appellor, or *Appellant*. He who has committed some Felony or other Crime, which he confesses, and now Appeals, i. e. accuses others who were complices with him. — *Artic. Cleri Anglicani ni oblati Edw. 2. Regi, an. 1316. cap. 10.* *Placet etiam Domino Regi, ut*

Latrones & Appellatores, quandocunque voluerint possint Sacerdotibus sua facinora confiteri.

Appendant, Appendens, Is a thing belonging to another that is more worthy; as *Accessorium Principali*, with the Civilians, or *Adjunctum Subjecto*, with the Logicians. An Hospital may be Appendant to a Mannor, *Fitzh. Nat. Brev. fol. 142.* Common of Fishing Appendant to a Free-hold, *West. 2. ca. 25. 13 Ed. 1.* Appendants are ever by Prescription. See *Co. on Lit. fol. 121. b.*

Appenditia. The Appendages or Pertinences to an Estate, &c. So *Simon Earl of Northampton* gave to the *Knights Templari*, his Mannor of *Merton*, *Com. Oxon. cum omnibus Appenditiis suis.* Mr. *Kenner's Paroch. Antiq. p. 110.* Hence our *Pentices*, or *Pent-Houses*, a *Pent-Stock*, *Appenditia domus, &c.*

Appennage, or Appennage, French, *A Chil's part*, properly the Portion of the King's younger Children in France, where they have a Law which they call, *The Law of Appenages*, whereby the King's younger Sons have Dutchies, Counties, or Baronies granted to them, and their Heirs, or Heirs-Males of their Bodies, the Reversion referred to the Crown, and all matters of Regality; as Coynage, Levying Taxes, and the like: It is derived ab *appendendo*, or from the German word *Avanage*, which signifies a Portion. See *Gerard de Heylan, & Spelman's Gloss. in verbo Appennagium.*

Appennura. The payment of Money at the Scale, or by weight. — *Dedit Regi prefato appennuram novem librarum purissimi auri juxta magnum pondus Normannorum.* *Histor. Elien. Edit. Gale. l. 2. c. 19.*

Appertinances, (Pertinentia) Is derived of the French word *Appertennir, Pertennere*, to belong to. It signifies in the Common-Law things both Corporeal, belonging to another thing, as the more Principal; as Hamlets to a Chief Mannor, Common of Pasture, Turbary, Piscary, and such like; and Incorporeal, as Liberties, and Services of Tenants, *Bric. ca. 39.* Where we may observe, That he accounts Common of Pasture, Turbary and Piscary, to be things Corporeal. *Vide Corporal.*

Apportionment, Apportionamentum, Is a dividing of a Rent into parts, according as the Land, whence the whole Rent issueth, is divided among two, or more. As if a Man hath a Rent-Service issuing out of Land, and he purchases parcel of the Land; the Rent shall be apportioned, according to the value of the Land. So if a Man hold his Land of another by Homage, Fealty, Esuage and Rent, if the Lord of whom the Land is holden, purchase parcel of the Land, the Rent shall be apportioned. And if a Man let Lands for Years, reserving Rent, and after a Stranger recovers part of the Land, then the Rent shall be apportioned, and the Lessee shall pay, having respect to that which is recovered, and to that which remains in his Hands, according to the value. But a Rent-charge cannot be apportioned, nor things that are entire: As if one hold Land by Service, to pay his Lord yearly at such a Feast, a Horse, a Hawk, a Rose, or a Cherry, &c. these cannot be divided or apportioned, without damage to the Entirety. In some Cases, Rent-charge shall be apportioned; as if a Man has a Rent-charge issuing out of Land, and his Father purchases parcel of the Lands charged in Fee, and dies, and this parcel descends to his Son, who hath the Rent-charge; there this Charge shall be apportioned, according to the value of the Land: because such portion of the Land purchased by the Father, comes not to the Son by his own act, but by descent, and course of Law. Common Appendant is of Common right, and severable; and tho the Commoner purchase parcel of the Land, whereto the Common is appendant, yet the Common shall be apportioned. But in this Case, Common Appurtenant, and

not Appendant by such Purchase is extinct, *Co. lib. 8. fol. 79. Termes de Ley 48, 42.*

Apportum. — *Ita quod proficua manenti prae-dicti nomine Apporti quolibet anno prefato A. in subventionem sustentationis sue solverentur, anno 22 Ed. 1.* It seems to be deduced from the French *Apport*, which beside the Common, signifies the Revenue, Gain or Profit, which a thing brings in to it's Owner. And in the place cited, it is used for an Augmentation given to any Abbot, for his better support out of the Profits of a Mannor. The word was commonly used for a Corrody or Pension: — *Nicolaus Gryn Prior de Andover, debet x Marcas de quodam Apporto, ad capitalem Dominum ejusdem Prioris, in partibus transmarinis, in tempore pacis debito. Ex Registro evidentiarius Colleg. Wickham juxta Winton. MS.* — *Rex Edwardus III. restituit terras Prioratum Alicemgenarum salvo nobis Apporto, quod prefatus Procurator alicui domui superiori solvere tenetur. Claus. 14 E. 3.* The word might at first signifie any Profit or Emolument apported or brought to another: And therefore *Du-fresne* observes in the Customary of *Rhemes*, *Apport* was the Portion which the Wife brought to the Husband.

Appostale of Sheriffs, Is the charging them with Money receiv'd upon their account in the Exchequer, 22, 23 Car. 2. *Act for better recovery of Fines due to his Majesty.*

Apposter. See *Foreign apposter.*

Appendre, (French) As a Fee or Profit *Appendre, 2 & 3 Edw. 6. cap. 8.* A Fee or Profit to be taken, or received.

Apprentice, Apprentitius, (French Apprenti, and that from *apprendre*, to learn; whence their *Apprentissage*, and our *Apprentishipp*) signifies with us one that is bound in Word, or Writing, to serve another Man of Trade for certain Years, upon condition, That the Artificer, or Master shall in that mean time endeavour to instruct him in his Art or Mystery, *Smith, de Rep. Ang. lib. 3. cap. 8.* faith, They are a kind of Bondmen, differing only, that they be Servants by Covenant, and for a time. Barristers at Law were heretofore called *Apprentices of the Law*: So faith Mr. *Selden* in his Notes upon *Fortescue*, p. 3. And so the Learned Mr. *Plowden* filed himself. Sir *Henry Finch*, in his *Nomotechnia*, gives himself the same Title. And Sir *Edw. Coke*, 2 Part, *Inst. fol. 564.* holds, That *Apprenticii Legis* are call'd *Homines Consiliarii, & in Lega Periti*. And in another place — *Apprentices and other Counsellors of Law.* Of the word *Apprentitius*, as it signifies a young Person, bound by Indentures to a Master, who upon such Covenants, is to teach him his Mystery or Trade; I think the oldest Authority is from a Charter, dated 12 Edw. 3. recited in Mr. *Kenner's Parochial Antiquities*, p. 449. At least I have met with no mention of them, till the beginning of next Reign, when *Henry de Knighton*, sub an. 1381. *Apprenticii quoque relictis Magistris suis illic accurrebant.* And *Tho. Walsingham* in Ric. 2. p. 103. *De Londonii multi Apprenticii, plures servi, sumptis albis Caputis, in vestis Magistris & Domini sunt profecti.* Vid. *Selden's Notes on Fortescue*, p. 2.

Appropriation, Appropriatio, proceedeth from the French *Approprier, i.e. Aptare, accommodare*; and properly signifieth in the Law of England, a severing of a Benefice Ecclesiastical, which originally, and in nature is, *Juris divini & in Patrimonio nullius*, to the proper and perpetual use of some Religious House, or Dean, &c. and Chapter, Bishop or Colledge: And the reason of the Name may be this; because, that whereas Parsons ordinarily be not accounted *Domini*, but *Usufructuarii*, having no right of Fee-simple, *Lit. tit. Discontinuance*. These, by reason of their Perpetuity, are accounted Owners of the Fee-simple, and therefore are call'd *Proprietarii*. And before the Time of *Richard the Second*, it

it was lawful (as it seems) to appropriate the whole Fruits of a Benefice to an Abby or Priory, they finding one to serve the Cure. But that King redressed that Evil by a good Law, whereby he ordain'd, That in every Licence of Appropriation made in Chancery, it should be expressly contain'd, That the Diocesan of the place should provide a convenient sum of Money, yearly to be pay'd out of the Fruits, towards the sustenance of the Poor of that Parish, and that the Vicar should be well and sufficiently endowed, 15 R. 2. cap. 6. Touching the first Institution, and other things worth the learning about Appropriations, read *Plowd.* in *Grendon's Case*, fol. 496 b. & seq. As also *Termes de Ley*, verbo Appropriation. To an appropriation, after the License obtained of the King in Chancery, the consent of the Diocesan, and the Patron and Incumbent are necessary, if the Church be full; but if it be void, the Diocesan and Patron may conclude it, *Plowd. ubi supra*. To dissolve an Appropriation, it is enough to present a Clerk to the Bishop, and he to institute and induct him: For that once done, the Benefice returns to the former nature, *Fitz Nat Brev. fol. 35.* and *Co. l. 7. fol. 13.* See the Methods of Appropriation, and the fatal abuse of thus robbing Church and Clergy, and the laudable ways and means of restoring Improvements to the better maintenance of Parish Priests, See. discours'd at large, in Mr. Kennet's *Paroch. Antiq.* p. 433.

Appropriare ad honorem. To bring a Manor within the extent or liberty of such an Honour. *Petrus de Asperugge tunc Seneschallus honoris Sancti Walericii appropriavit dictum manerium ad honorem Sancti Walericii* — *Paroch. Antiq.* p. 336.

Appropriare Communam. To discommon, i. e. to separate and enclose any parcel of Land, that was before open Common. So A. D. 1299. the Prior and Convent of *Burcester*, grant to the Rector of *Asperugge* and the *Bon-hommes* of that place, *quod tibi possint appropriare, & includere pro voluntate sua tres acras de communi pastura in Blakethorn, &c.* *Paroch. Antiq.* p. 336.

Approveement, Mention'd 43 *Eliz. ca. 11.* Is where a Man hath Common in the Lord's waste Ground, and the Lord encloses part of the waste for himself, having nevertheless sufficient Common, with egress and regress for the Commoners. This Inclosing is call'd Approveement. See *Reg. Jud. f. 8. 9.* Lat. *Appruamentum*. — *Haec uni edificia quae Abbas Glaston. suo tempore eleganter consummavit, & camere quas suo tempore de Appruamento, & purchaso suo augmentavit.* *Cartul. Abbat. Glaston. MS. f. 42. a.* Idem Approveamentum — *cum omnibus Approveamentis & aliis pertinentiis suis.* *Mon. Ang. tom. 2. f. 607.*

Approver, Approbator, Cometh of the French *Aprouer, Approuer*; It signifies one that confessing Felony of himself, appealeth or accuseth another, one or more to be guilty of the same; and he is call'd so, because he must prove that which he hath alledged in his Appeals, *Stamf. Pl. Cor. fol. 142.* And that Proof is by Battle, or by the Country, at his Election that is appealed. The Form of this Accusation you may in part gather by *Crom. Just. of Peace, fol. 250, & 251.* That it is done before the Coroner, either assigned unto the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the good of the Prince and Common-wealth, to record that which he saith, &c. The Oath of the Approver, when he beginneth the Combat, see also in *Cromp. pag. ult.* As also the Proclamation by the Herald. Of the Antiquity of this Law, you may see something in *Hori's Mirror of Just. lib. 1. in fine cap. del Office del Coroner*; and more at large, *Bracton lib. 3. tract. 2. ca. 21.* & 34 *Stamf. Pl. Cor. l. 2. c. 52. cum seq. 3. Part. Inst. fol. 129.*

Approvers of the King, *Approbatores Regis*, Be such as have the letting of the King's Demecans in small Mannors, to his best advantage: 51 H. 3. Stat. 5. And in 1 E. 3. ca. 8. The Sheriffs call themselves The King's Approvers.

Approbe, Approbare, Signifies in the Common-Law to augment, or rather, to examine to the uttermost. As for Example, To approve Lands, is to make the best benefit thereof, by approving the Rent, or increasing it. And in *Crom. Jurisd. fol. 152.* The Substantive Approvement is used for the Profits themselves. So is it likewise in the Statute of *Merton, ca. 4. an. 2 H. 3.* Land newly approved, *Old Nat. Brev. fol. 79.* and 9 H. 6. c. 10. Bayliffs of Lords in their Franchises, be called their Approvers: But by 2 E. 3. ca. 12. Approvers be certain Men especially sent into several Counties of the Realm, to increase the Farms of Hundreds and Wapentakes, which formerly were set at a certain Rate to the Sheriffs, who likewise demised them to others, the County Court excepted. And Approvers in the Marches of Wales were such as had licence, *De vendite & achate Beasts, &c.* as appears by a Charter thereof from one *Richard de Lingeyne*, to *Janin de Brompton*, dated the 11th day of July, in the 4th Year of Henry the Fourth, and 2. Part. Inst. fol. 474. *Quod nullus libere teneat infra Baroniam illam se approbare possit de vasto suo, &c.*

Aquage. *Aquagium*, quasi *Aqua agium*, i. e. *aqua ductus, aqua gangium, aqua iter, a Water-course.* — *Non liceat aliqui de cetero facere damnum vel foras, aut alia impedimenta in aliquibus landeis, water gangiis, fossatis, sive aquagiis communibus in marisco predictis.* *Ordinatio Marisci de Romney facta tempore H. 3. & Edw. 1.* See *Water-gate*.

Arnalia, Plur. Arable-Grounds, *Domesday Tit. Essex. Rex hundred. de Cheremesford* — *Silva 20 porc. decem acr. prati 2 noncul. Quatuor Aralia 23 porc. 50 oves 24. capones, &c.*

Arbitrator, May be taken to proceed either from the Latine (*arbitrator*) or the French (*arbitre*) and signifieth an extraordinary Judge in one or more Causes between Party and Party, chosen by their mutual consents, *West. Sym. Part. 2. tit. Compromise, sect. 21.* who likewise divideth Arbitrement into General, that is, including all Actions, Quarrels, Executions and Demands; and especial, which is of one or more Matters, Facts, or things specified, *ibid. sect. 2. 3. 4.* The *Civilians* make a difference between *arbitrum* and *arbitratorem*, *lib. 76. in pro socio*; for tho they both ground their power upon the compromise of the Parties, yet their liberty is divers: For *Arbitrator* is tied to proceed and judge according to Law, with Equity mingled. *Arbitrator* is permitted wholly to his own discretion, without solemnity of Process, or course of Judgment, to hear and determine the Controversie committed unto him: So it be *juxta arbitrium boni viri*. See *Alto & Basso*.

Arbitrement, Is an Award, or Determination, made by one or two, at the request of two Parties at least. To every Arbitrement five things are incident, *scil.* 1. Matter of Controversie. 2. Submission. 3. Parties to the submission. 4. Arbitrators. And 5. Giving up of the Arbitrement, 217. Pl. 60. How an Arbitrement may be avoided; see 7 H. 6. c. 40. And *Termes de Ley, f. 54.* Alfo no Party shall be bound by any Arbitrement, unless the Award be delivered unto him. As it is, *Co. lib. 5. f. 103.* And *lib. 8. fol. 98.*

Arceonius. *Arcus Ephippiarius*, French *Arcon de Selle de Chevalle*; English *Saddle-bow* — *Bertramus le Wyle tenet terras in Braham Com. Bedf. de Domino Rege per Serjantiam reddendi per annum unum par Arceonum ad Selum; & Prior de Neunham tenet terram in Surrey de Domino Rege, in capite per Serjantiam, reddendi per annum unum par Arceonum dealbatum ad Selum.* *Tenur. p. 37.*

Archdeacon, Archilevita, Archidiaconus. In the Primitive Church, the Archdeacon was employ'd by the Bishop in more servile Duties of collecting and distributing Alms, and Offerings, and seems to have been subservient to the Arch-Presbyters, the Urban or Rural Deans of Christianity, to whom they were originally as much inferior, as their Order of Deacon was to that of Priests: Till by the advantages of a Personal Attendance on the Bishop, and a Delegation to examine and report some Causes, and Commission to visit some remoter parts of the Diocese, they became in effect Eyes to the Overseers of the Church; and by degrees advanc'd into considerable Dignity and Power. *Lanfranc* Archbishop of *Canterbury*, was the first Prelate in *England*, who instituted an Archdeacon in his own Diocese about the Year 1075, when upon the Death of *Godwyn*, the Suffagan-Bishop of *St. Martin's*, he would not consecrate any other assisting Bishop, but ordain'd *Valerius* Archdeacon, to execute the like Jurisdiction within his Diocese of *Canterbury*. Which Example gave occasion to the establishing of Archdeacons, and allotting their Districts in every other Diocese, within few Years after *Lanfranc*.

Arches Court, (Curia de arcibus) Is the chief and most ancient Consistory that belongeth to the Archbishop of *Canterbury*, for the debating of Spiritual Causes; and is so call'd from the Church in *London*, dedicated to the Blessed Virgin, commonly called the Church of *St. Mary le Bow*, where it is held; and the Church is named *Bow-Church*, from the fashion of the Steeple, whose top rais'd of Stone Pillars, is builded Archwise, like so many bent Bows. The Judge of this Court, is termed *The Dean of the Arches*, or *The Official of the Arches Court*. *Dean of the Arches*, because with this Officialty, is commonly joyn'd a peculiar Jurisdiction of Thirteen Parishes in *London*, termed a *Deanry*, being exempt from the Authority of the Bishop of *London*, and belonging to the Archbishop of *Canterbury*; of which the Parish of *Bow* is one, and the principal, because the Court is there kept. Others conceit that he was first called *Dean of the Arches*, because the Official to the Archbishop being many times employ'd abroad in Ambassages for the King and Realm; the *Dean of the Arches* was his Substitute in this Court, and by that means the Names became confounded. The Jurisdiction of this Judge is ordinary, and extendeth it self through the whole Province of *Canterbury*. So that upon any Appeal made, he forthwith, and without any further examination of the Cause, sends out his Citation to the Appellee, and his Inhibition to the Judge from whom the Appeal was made. Of this you may read more in *Hist. de Antiquit. Eccles. Britan.* And 4 *Parl. Inst. fol. 337*.

Archives, Archiva, A derivative from *Arca*, a Chest. The *Rolls*, or any place where Ancient Records, Charters, and Evidences are kept; also the *Chancery*, or *Exchequer-Office*. Also the private Repository in *Libraries*.

Arereisment, Surprize, Affrightment. — To the great Arereisment and Ertenyement of the Common Law. *Rot. Parl. 21 Ed. 3.*

Arentare, To Rent out, or set at a certain Rent. — *Ricardus de Arnestone Ballivus manerii de Kingesford, maliciose & per violentiam dictos Religiosos de eadem piscaria eiecit, & ipsum Domino suo Arentari, fecit in 12 Sol. quos idem Dominus per 6 annos recepit.* — *Consuetud. Domus de Farendon, MS. f. 53.*

Arma dare, To Dub or make a Knight, *An. Dom. 1144. 10 Steph. Ego Brientius filius Comitiss, quem bonus Rex Henricus nutrit, & cui arma dedit & honorem. So Arma capere, to be made a Knight. A. D. 1278. 31 Ed. 3. A die quo dictus, Comes (i. e. Henricus de Lacy) arma militaria a Domino Henrico Rege data no-*

stro cepit. See Mr. Kennet's Parochial Antiquities, p. 101. 289.

Arma moluta, Seem to be sharp Weapons that do cut, and not blunt, which do only break or bruise, *Bract. lib. 3. tract. 2. ca. 23. & Stauf. Pl. Cor. 78. 79. Bracton's words be these, Arma moluta plagam faciunt, sicut gladius & huiusmodi: Ligna vero & lapides, bruras, orbes & istius, qui judicari non possunt ad plagam, ad hoc ut inde venire possit ad duellum.*

Armigeri. Not only a Title of Dignity, but the common Appellation of Servants, especially in Convents. I suppose the better sort of Servants, yet such as wore Liveries in the Priory of *Burcester*, where in 4 *Hen. 6.* the Prior and Burfar accounted — & in blodeo panno empto pro Armigeris & Valeffis Prioris de Johanne Bandye de Magna-Tue, Pannario erga Natale Domini hoc anno 7. lib. 15. fol. 11. *Ken. Paroch. Antiquit. p. 576.* This is the same servile Office, which by Sir Henry Spelman is called *quadam Species Armigerorum* in the Abby of *Battle, Com. Suff.* where the Abbat and Convent granted *Hugoni Francey Armigero suo*, a yearly Prestation or Wages, and a customary Livery.

Armoz, Arma: In understanding of Law, is extended to any thing that a Man in his wrath or fury taketh into his hand, or wears for a defence, wherewith to cast at, or strike another, *Crompt. Just. of Peace, fol. 65. a. So Armorum appellatio non utique scuta & gladios significat, sed & fustus & lapides.*

Argentum Album, Silver Coin, or current Money. By *Dooms-day* Tenure, some Rents to the King were paid in *Argento albo*, common Silver pieces of Money, other Rents in *libris ursis & pensatis*, in the Metal and full weight and purity. So the King's Mannor at *Brehul, Com. Buck.* reddebat per annum 28 libras de albo argento, & pro foresta 12 libras ursas & pensatas. *Paroch. Antiquit. p. 165.* Hence in the next Age, that Rent which was paid in Money was called *Blanch-fearn*, and afterwards *Whiterent*; and what they paid in provision was term'd *Black-mall*.

Argentum Dei, God's Money; That is, Money given in earnest upon the making of any Bargain. It is still call'd *God's Pemy* in the North: I meet but with this one Authority of taking such Money in hand, as an earnest of a remaining Sum. — *Adam de Holt vendidit quintam partem manerii de Berterton Henrico Scot, & cepit de predicto Henrico tres denarios de Argento Dei, pro manibus placit. apud Castr. 2 Ed. 3. Hence Arles, Earnest; and Arles-Penny, now used in Yorkshire, where they likewise call Servants Vails Arles.*

Arabant, ad Curiam Domini, Was intended of those who held by the Tenure of Ploughing and Tilling the Lands of the Lord, *infra Curiam, i. e. manerium suum, Spei. Gloss. verb. Arabant.*

Arietum levari, An old sportive Exercise, which seems to have been the same with Running at the Quintan, or Quintal. *Vide Quintan.*

Arnaldia, Arnoldia: A sort of Disease, that makes the Hair fall off, like the *Alopecia*, or like Distemper in Foxes. — *Deinde uterque Rex incidit in egritudinem quam Arnaldiam vocant, in qua ipsi ad mortem usque laborantes capillos suos deposuerunt. Rog. Hoveden. Ric. 1. p. 693. & Brompton. col. 1201. — Cum autem Rex Ricardus per aliquot dies ibi moram fecisset, gravissimam incurrit egritudinem, que vulgo Arnoldia vocatur, ex ignota regionis constitutione cum ejus naturali complexionem minus concordante. Gaufridi Vinejauf, Ricardi Regis, Iter Hieros. cap. 4. l. 3.*

Arpens, Arpen, English Arpent, signifies an Acre, and according to the old French Account, mentioned in *Dooms-day* Book, one hundred Perches make an Arpent, 18 Foot a Perch, 12 Inches a Foot, *Columel. lib. 5. ca. 1. Demyarpent they take for jugum, or jugerum.*

Array, (*Arraya, alias Arraiamentum*) Cometh of the Obsolete French word *Array*, that is, *Ordo*; it may probably be derived from *Raye, Linea*: It signifies in a legal acceptation, the ranking or setting forth of a Jury or Enquest of Men empanelled upon a Cause, 18 H. 6. ca. 14. Thence we say to Array a Pannel, *Old N. B. fol. 157.* The Array shall be quasht, *ibid.* By the Statute, every Array in an Assize ought to be made four days before, *Bro. tit. Pannel. nu. 10.* To challenge the Array, *Kitchin, fol. 92.* See *Challenge*. To lead and conduct Persons armed and arrayed, 14 Car. 2. ca. 3.

Arratio Veditum, The arraying of Foot Soldiers, *Pat. 1 Ed. 2. p. 1. m. 3.*

Arrangers, Is used 12 R. 2. ca. 6. for such Officers as had care of the Soldiers Armour, and to see them duly accounted in their kinds. Such were the Commissioners of Array, appointed by E. Charles the First 1642. And Edward the Third, in the First Year of his Reign, appointed such Commissioners to array Men against the Scots.

Arraigne Arraine, From the French *arranger*, that is, to set a thing in order in his place, and the same signification it hath in Law: For example, He is said to Arraine a Writ of *Novel Disseisin* in a County, that sitteth it for Tryal before the Justices of the Circuit, *Old Nar. Brev. fol. 109. Lit. pag. 78.* useth the word in the same sense, *The Lease arraineth an Assise of Novel Disseisin.* To arraign the Assise, is to cause the Tenant to be called, to make the Plaintiff, and set the Cause in such order, as the Tenant may be enforced to answer thereto, Co. on Lit. fol. 226. b. Also a Prisoner is said to be Arraigned, when he is indicted and brought forth to his Tryal. Arraigned within the Verge for Murder, *Stamf. Pl. Cor. fol. 150.* The method of this Arraignment you may read in Sir Thomas Smith, de Rep. Ang. lib. 2. ca. 23. The famous Spelman thinks it should be *Arrame*, and that derived from *Arramare*, an obsolete Latin word, proceeding from the old French *arramir, jurare, solemniter profiteri*; but we rather stick to the old and common Writing.

Arrestatus, Suspected, Accused. — *Offic. Coronat.* — *Si autem aliquis arrestatus fuerit de morte alicujus periclitantis capietur, & imprisonetur.* From the old Norman *Retze, Westm. cap. 1.* *Quant Clerk est prise pour retze de felonie.* — *Ceus queux sont endites de retze retze per solemne inquest.* So cap. 21. Spelman.

Arrearages, Areragia: Deduced from the French *Arrierares*, as that from *arriere, à retro*, behind. It signifies the remainder of an Account, or sum of Money in the hands of an Accountant. It is used sometimes more generally for any Money unpaid at a due time, as *Arrearages of Rent*. That this word is borrowed from *France*, appears by *Tiraquel de utroque tractu, tom. 3. p. 32. num. 10.*

Arrenatus, Arraigned, Accused. — *Stephanus Rabbaz, Vic. Leicest. arrenatus, & ad rationem positus de hoc quod, &c. Rot. Parl. 21 Ed. 1.*

Arrentation, From the Spanish *Arrendare*, which is as much as *ad certum redditum dimittere*, it is mentioned *Ordin. Foresta, 34 E. 1. ca. 6.* Signifies the licensing an Owner of Lands in the Forest to enclose them (*bassa haya & parvo Fossato*, with a Hedge, and a little Ditch) under a yearly Rent: Saving of the *Arrentations*, is saving Power to give such Licences for a yearly Rent.

Arrest, Arrestum, Cometh of the French *Arrester*, to stop or stay, and is metaphorically used for a Decree, or Determination of a Cause debated, or disputed to and fro: As *Arrest du Senat*, is *Placitum Curia*: In our Common-Law, it is taken most of all for a stay or stop, as a Man apprehended for Debt, &c. is said to be Arrested. To move or plead in Arrest of Judgment, is to shew cause why Judgment should be stay'd, though there be a Verdict in the Case: To plead in Arrest of taking the Enquest upon the former Issue, is to shew

cause why an Enquest should not be taken, *Bro. tit. Repleader. Bud. (saith Mr. Lambert, Eirenar. lib. 2. c. 2. p. 94.)* in his Greek Commentaries, thinks that the French word *Arrest*, which with them (as we said) signifies the Decree, or Judgment of the Court, took beginning from the Greek *ἀρεστόν, i. e. Placitum* as we may say the pleasure of the Court; yet, I believe, rather that we receive the same from the Normans Law, because we use it in the same sense with them: For commonly with us an Arrest is taken for the Execution of the Commandment of some Court, or of some Officer of Justice; but howsoever the Name began, an Arrest is a certain restraint of a Man's Person, depriving him of his own will, and binding him to become obedient to the will of the Law: Precepts, and Writs of the higher Courts of Law, do use to express it by two several words, as (*Capias*) and (*Attachies*) to take or catch hold of: And, it seems, this word is spread further than *France*; for *Gale*, a German Writer, sheweth by his Tractate, *De Arrestu Imperii*, that it is used in the Imperial Territories, in the same signification, c. 1. n. 1. For preventing Arrests of Judgment, see 16 & 17 Car. 2. ca. 8.

Arrestandis bonis ne dissipentur, is a Writ which lies for him, whose Cattel or Goods are taken by another, who, during the Controversie, doth, or is like to make them away, and will hardly be able to make satisfaction for them afterwards, *Reg. Orig. fol. 126. b.*

Arrestando ipsum qui pecuniam recepit ad proficiendum in obsequium Regis, &c. Is a Writ that lieth for the Apprehension of him that hath taken Preft-money towards the King's Wars, and hides himself when he should go, *Reg. Orig. 24. b.*

Arresto factio super bonis mercatorum alienigenarum, Is a Writ that lies for a Denizon against the Goods of Strangers of another Country, found within the Kingdom, in recompence of Goods taken from him in that Foreign Country, after denial of Restitution, *Reg. Orig. fol. 129. a.* This among the Civilians is called *Clarigatio*, but now barbarously *Reprisalia*.

Arreted, Arrestatus, Is he that is convented before a Judge, and charged with a Crime, *Stamf. Pl. Cor. lib. 2. 45.* Arrestatus may seem a Compound, quasi ad rectum vocatus; It is sometimes used for impured or laid unto: As, No folly may be arretted to him being under age, *Lit. cap. Remitter*; the Latine Substantivo *Rectum* is used in the *Reg. Orig.* And Chaucer useth the Verb *Arreteth*, that is, lays blame, as it hath been interpreted: It may with more reason seem, that that word is the same with the *Rectum*; because *Bracton* saith, *Rectum habere Malefactorum*; that is, to have the Malefactor forth-coming, so as he may be charged, and put to his Tryal, *lib. 3. tract. 2. ca. 10.* And in the same Ch. n. 3. *Rectatus de morte hominis*, that is, charged with the Death of a Man.

Arripennus, Arpenus. The same with *Arpennis, Arpeni, Arpent*. — *Ego Bernardus de Novo Mercato consensu Hen. Regis, pro anima Jo. Patris sui dedit Sancte Trinitati Sanctaq; Martino de Bella in Gualia super Littis prefati Fluminis, quod Tillea dicitur tres Arpennos Pratorum. Cartular. S. Joh. de Brecon. MS.*

Artura, The Tryal of Money by Fire, after it was coynd. Where it is said in *Domesday*, *Reddit tot libras ad Arsuram*, it is meant of lawful and approv'd Money, whose Ailay was tried by Fire.

Articles of the Clergy, Articuli Cleri, Statutes made touching Persons and Causes Ecclesiastical, 9 E. 2. and 14 E. 3. Stat. 3.

Articulus, An Article, or Complaint exhibited by way of Libel, in a Court Christian. Sometimes the Religious bound themselves to Obey the Ordinary, without such formal Process: As *An. Dom. 1300.* the Prior and Convent of *Burecester* submitted themselves to

to the Official of Lincoln, &c. quod possint eos & eorum successores per omnem censuram Ecclesiasticam ad omnium & singulorum premissorum observationem absque Articulis, seu Libelli petitione, & quocunque strepitu judiciali compellere. Paroch. Antiq. p. 344.

Arundinertum, A place where Reeds grow; we find it mentioned in the Book of Doomsday.

Arthel, Anno 26 H. 8. ca. 6. Is a British word, and more truly written *Arddelw*, which the South-Wales Men write *Arddel*, and signifieth (according to Doctor Davies Dictionary) *Astipulari, asserere*, in English to *Avouch*. O deſe'r dyn a'i Lledrad yn ei law, rhaid iddo geisio *Arddelw*, &c. that is, If a Man be taken with stolen Goods in his hands, he must be allowed a lawful *Arddelw* (*Vouchee*) to clear him of the Felony, which is part of the Law of *Howel Dda*; but probably so abused in Henry the Eighth his Time, by the delay, or exemption of Felons, and other Criminals from Justice, that provision by the foremention'd Statute was made gainst it.

Arvil-Supper, Feast or Entertainment given at Funerals, which Custom is still retained in some of the North, and North-west parts of England. So *Arvil-bread*, the Loaves distributed to the Poor at such Funeral Solemnities. And *Arvil*, *Arval*, *Arsal*, are used for the Burial or Funeral Rites. As

Come, bring my jerkin Tibb, Ile to the Arvil,
You Man's dea Seuy Seoun, it makes me marvail.

Yorkshire Dial. p. 58.

Arura, pro *Aratura*. Ploughing: *Una arura*. One day's work at the Plough. — Tenet in bondagio & debet unam aruram in yeme, & unam surculaturam. Paroch. Antiq. p. 401. Hence in Wiltshire to ear is to plough, and *Earing* is a day's ploughing. In which sense the word occurs in many parts of the Old Testament, as Gen. 45. 6. Deut. 21. 4. 1 Sam. 8. 8. 12, &c.

Assay of Measures and Weights, Derived from the French *Essay*, i. e. a Proof or Trial, is the Examination used by the Clerk of the Marker, Reg. Orig. fol. 279. *Ac assiam & assiam panis, vini & cervisie*, Paten. 37 H. 8. Tho. Marrow. — Lat. *Assua*. Rex omnibus, &c. Licet nuper concesserim dilecto valedo nostro Roberto de Poley, Officiu *Assiae* Ulnagii de Worsted in civitate Norwici, quia tamen intelleximus quod *Assiae* hujusmodi de pannis de Worsted, &c. Cart. 3. Ed. 3.

Assart, *Assaitb*, *Assach*. A Custom of Purgation among the Welsh, by which the party accused did clear or purge himself, upon the Oath of 300 Men; which Custom prevailed to 1 H. 5. where a Statute cap. 6. reports it thus. — Walli emprisjonez (Anglos) tang al tempi que ils ont fait gree a eux en cel partie, ou que ils vorrent se excuser (de le mort des tiels Rebelles ensj tuez) per un Assach selonq la custume de Gales; cest a dire per le serement de ecc. hommes, &c. which custom for the future is forbid. *Spelman*.

Assayer of the King, (*Assayator Regis*) French *Assayeur*; Is an Officer of the Mint, for the due tryal of Silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for Exchange, 2 H. 6. ca. 12. Vessels of Gold shall be assayed, 28 E. 1. ca. 20. and 18 Car. 2. ca. 5. *Mandatum est*, &c. quod convocatis in presentia sua omnibus Monetariis Assayatoribus, &c. de cambiis Regis London, &c. provideat tot & tales, &c. qui, &c. ne Rex, &c. damnum incurrat, Claus. 17 H. 3. m. 8.

Assault, *Insultus*, or *assultus*, Cometh of the French verb *assayer*, i. e. *adoriri, invadere*; and that French word may be derived from the Latin *assilire*, that is, *vim asserre, oppugnare*. It signifies in Law a violent kind of injury offered to Man's Person, of a higher nature than Battery; for it may be committed by offering of a Blow, or by a threatening Speech, *Lambar. Eiren.*

lib. 1. ca. 3. As to threaten a Collector with harsh words, so that he dares not for fear execute his Office, hath been reckon'd an Assault. To strike at a Man, though he be neither hurt nor hit, hath been adjudged the like, 22. Lib. Ass. Pl. 10. That Assault doth not always imply a Blow, or Striking, appears, in that in Trespass for Assault and Battery, a Man may be found guilty of the Assault, and excused of the Battery, 25 E. 3. ca. 24. The Feudists call this *Assalium*, and define it thus, *Assalut est impetus in personam aut locum, sive hoc pedibus fiat, vel equo aut machinis, aut quacunque alia re assiliatur*, *Zalius* de Feud p. 10. nu. 38. And *assilire est vim asserre*, Lib. Feud. 1. tit. 5. sect. 1. — Lat. *Assaltus*. — *Habeant Abbas & Monachi Radingeses in tota possessione sua omnem Justitium de Assaltu, & murdris, & furtis, de sanguinis effusione, & Pacis infractione*. Cart. 1 Hen. 1. in Cartular. Abbat. de Radinges, MS. f. 1. b. The word *Assaltus* does in the like sense occur in the Laws of Edw. Conf. cap. 12.

Assach, Seemeth to be a Welsh word, and to signify so much as a kind of Excuse, or strange Purgation, by the Oaths of 300 Men. This of old was used in Wales; for so I find it explain'd in an old Manuscript, *Assach est un Jur. 300 homines in Gales*, but now it is utterly out of use, 1 Hen. 5. ca. 6.

Assart, *Assartum*; In the opinion of *Manwood*, part. 2. ca. 9. nu. 5. of the Forest Laws, comes from the French *assartir*, signifying to make plain, *Assartum est quod redactum est ad culturam*, *Fleta* lib. 4. cap. 21. Item respondere: It is, saith the same *Manwood*, ca. 9. nu. 1. an offence committed in the Forest, by pulling up by the roots the Woods, that are Thickets and covert for the Deer, and by making them plain as arable Land. This is reputed the greatest Offence or Trespass, that can be done in the Forest to *Fert* or *Venison* containing in it *Wast*, or more: for whereas *Wast* of the Forest, is but the felling and cutting down of the Coverts, which may grow up in time again; an *Assart* is a plucking them up by the Roots, and utterly destroying them, that they can never grow again. And this is confirmed out of the Red Book in the Exchequer, in these words, *Assarta vero, occasiones nominantur, quando, &c. Foresta nemora vel dumeta, pascuis & latibulis ferarum opportuna succiduntur; quibus succis & radicibus avulsis terra subvertitur & excolitur*. And again, out of the Reg. Orig. fol. 257. a. b. in the Writ ad quod damnum, sent out in case where a Man sueth for licence to Assart his Grounds in the Forest, and to make it several for tillage; so that it is no offence, if done with Licence. To this also may *Bracton* be added, lib. 4. ca. 38. nu. 11. where he saith, That the words *Bosius efficitur assartum*, signifie as much as *redactus in culturam*. Of this you may read more in *Crompt. Jur.* fol. 203. And in *Charta de Foresta*, 9 H. 3. ca. 4. where the English word is not written *assart*, but *assert*. And in *Manwood*, part. 1. p. 171. The word is used, 4 E. 1. Stat. 1. in the same signification. That which we call *Assartum*, is elsewhere termed *Disbocatio*: *Decis Genu.* 78. *Quietus de Essartis*, we find in a Charter of Henry the First to the Abbot of *Rames*, Saff. 198. & in *Pas.* 18 E. 3. p. 1. m. & *quibusdam Satis que, &c.* *Assart* was also anciently used for a parcel of Land *assarted*, as appears by a Charter of Roger Earl of *Mortimer*, without date, which is in the Custody of Mr. *Thomas Bridgwater*. — The word *Assartum* or *Essartum*, is by *Spelman* deriv'd from *Exertum*, as if Wood were thence pull'd or rooted up. Some derive it a *sarriendo*, from weeding, or cleaning Fields. *Skinner* runs into more fanciful Conjectures, a Lat. *Exarturare*, i. e. *artus seu ramos arboris descindere, arborem destruccare, vel si maris a Lat. Exaltare, i. e. saltum in agrum cultum transmutare*. Mr. *Somner* is much more rational and happy, who thinks *Exartum* to be a Contraction of *Exa-*

Exaratum; to which opinion the Learned *Dufresne* inclines. *Alii* denique ab *Exaro*, unde *Exaratum*, *Ager exaratus*, præfixus; & per contractionem *Exaratum*, uti scribi possum in vetustioribus Chartis observare est. Quam ultimam sententiam fulciunt *Tabule veteres in Chronico Besuensi*, &c.

Assayfiare. To take Confessors or Fellow-Judges. — *Henricus Dei gratia Rex Angli. &c. dilecto & fideli suo Nicholao de la Tur, salutem. Sciamus quod constituimus vos Justitiarum nostrum una cum hiis quos vobis duxeritis Assayfiandos ad assam novae Disseisine capiendam.* — Cartular. Abbat. Glaston. MS. f. 57.

Asscurare, Adsecurare, To assure or make secure by Pledges, or any solemn Interposition of Faith. In the Charter of Peace between *Hen. II.* and his Sons, recorded by *Hoveden*, sub an. 1174. *Adsecuravit in manu Domini Regis Patris sui, quod illis qui servierunt ei, nec malum nec dampnum aliquid hac de causa faciet.*

Assamble unlawful, Coming from the French *Asssembler*, i. e. *Aggregare*, to flock together; whence also is the Substantive *Assembly*, *Congregatio*; in a legal sense signifying the meeting of three or more Persons, to do an unlawful Act, although they do it not, *Lamb. Eiren. lib. 1. ca. 19.* See *Unlawful Assembly*.

Assêt, From the French *Assêt*, i. e. *Satis*, *Bract. lib. 5. traç. 3. ca. 8. nu. 2.* And although this word wear the vizard of a Substantive, yet is it in truth but an Adverb, and signifies Goods enough to discharge that burthen, which is cast upon the Executor or Heir, in satisfying the Testators or Ancestors Debts and Legacies. See *Bract. lib. 5. traç. 3. ca. 8. nu. 2.* that whoever insists upon *Assêts*, intends thereby that the party charged hath enough descended, or come to his hands, to discharge the thing in demand. The Author of the *New Terms of Law*, maketh two sorts of *Assêts*; *Assêts per descent*, and *Assêts enter mayns*: *Assêts per descent* is, where a Man is bound in an Obligation, and dies seized of Land in Fee-simple, which descend to his Heir, then his Land shall be called *Assêts*, that is enough or sufficient to pay the same Debt, and by that means the Heir shall be charged as far as the Lands so to him descended will extend. But if he have alienated before the Obligation be put in suit, he is discharged. Also when a Man seized of Lands in tail, or in the right of his Wife, aliens the same with Warranty, and hath in value as much Lands in Fee-simple, which descends to his Heir, who is also Heir in tail, or Heir to the Woman; now if the Heir, after the decease of his Ancestor, bring a *Writ of Formedon*, or *sur cui in vita*, for the Land so alienated; then he shall be barred, by reason of the Warranty; and the Land so descended, which is as much in value as that which was sold, and so thereby he hath received no prejudice; therefore this Land is called *Assêts per descent*. 2. *Assêts enter mayns* is when a Man indebted makes Executors, and leaves them sufficient to pay, or some commodity or profit is come to them in right of their Testator; this is called *Assêts in their hands*.

Asswicare, To draw or drain our water from Marshy Grounds, — *Quod ipsi mariscum prædictum Asswicare, & secundum legem marisci wallis includere, & in culturam redigere.* — & *mariscum istum sic Asswicatum inclusum, & in culturam redactum tenere*, *Mon. Ang. 2. Vol. fol. 334.*

Assign, Assignare, It hath two significations, one general, as to appoint a Deputy, or let over a right unto another; in which sense *Britton* saith (*fol. 122.*) This word was first brought into use for the favour of Bastards, because they cannot pass under the name of Heirs, and therefore were and are comprised under the name of Assignees. The other signification is special as to point at, or set forth, so we may say to assign Errors, *Old N. B. fol. 19.* that is, to shew where the Error is

committed. To assign false Judgment, *Id. fol. 17.* that is, to declare how and where the Judgment is unjust. To assign a false Verdict, *Id. fol. 112.* And to assign a Perjury, *Ann. 9 R. 2. cap. 3.* To assign the Cessor, *Old Nat. Brev. fol. 1341.* To shew how the Plaintiff had cessed or given over. To assign Waste, is to shew wherein especially the Waste is committed, *Reg. Orig. fol. 72.* Assign in the general signification is used, 20 E. 1. And 11 H. 6. ca. 2. in these words, *Justices assigned to take assises.* And the substantive assignment hath the same signification, *West. Symbol. par. 1. lib. 2. sect. 496.* as the assignment of a Lease, is the setting over the Interest to another. In which manner is used also the word *Assignee*, *assignatus*, for one that is appointed or deputed by another, to do any Act, or perform any Business, or enjoy any Commodity. And such an Assignee may be either by Deed, or in Law: Assignee by Deed, is he that is appointed by a Person; as when a Lessee of a Term assigns the same to another, he is his Assignee by Deed: An Assignee in Law, is he whom the Law so makes, without any appointment of the Person, *Dyer, fol. 6. nu. 5.* So an Executor is Assignee in Law to the Testator. *Perkins (tit. Grants)* saith, That an Assignee is he that occupieth a thing in his own Right, and Deputy is he that doth it in the Right of another.

Assisa cadere, To be Non-suited. In what Cases such Non-suit is suffered, see *Fleta lib. 4. cap. 15. & lib. 5. cap. 6.*

Assize, Cometh of the French *Assise*, which in the Grand Customary of *Normandy*, ca. 24. is thus defined. *Assize* is an Assembly of Knights, and other substantial Men, with the Bayliff, or Justice, in a certain place, and at a certain time appointed: And again, ca. 55. *Assize* is a Court, in the which, whatsoever is done, ought to have perpetual strength. This word is properly derived from the Latin Verb *assideo*, to sit together. *Littleton* in his Chapter of *Rents* saith, That it is *Equivocum*, setting down three several significations of it; one, as it is taken for a *Writ*; another, as it is used for a *Jury*; the third, as for an Ordinance. *Assize* then is taken for a *Writ* directed to the Sheriff, for the recovery of possession of things immoveable, whereof any one, and his Ancestors, have been dis seized. And this is as well of things corporeal, as right incorporeal, being of four sorts, as here follow in order.

Assize of Robel Disseisin, Assisa Nova Disseisine, lies where a Tenant in Fee-simple, Fee-tail, or for term of Life, is lately dis seized of his Lands or Tenements, or else of a Rent-service, Rent-sock, or Rent-charge, of Common of Pasture, of an Office, of a Toll, Tro-nage, Passage, Pawnage, or for a Nuisance levied, and divers other such like; for confirmation whereof, you may read *Glawville, lib. 10. cap. 2. Bract. lib. 4. traç. 1. per totum, Britton, cap. 70. & seq. Reg. Orig. fol. 197. F. N. B. fol. 117. 178. 179. New Book of Entries, fol. 74. col. 3. West. 2. c. 25. an. 13 E. 1.* And to this may apply be added the Bill of *Fresh force*, which is directed to the Officers, or Magistrates of Cities, or Towns-Corporate, being a kind of *Assize*, for Recovery of Possession in such places, within forty Days after the Force, as the ordinary *Assize* is in the County, *F. N. B. fol. 7.* This the Civilians call *Judicium Possessorium recuperandi*.

Assize of mort d'ancestor, Assisa mortis antecessoris, lyeth where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seized of Lands, Tenements, Rents, &c. that he had in Fee-simple, and after his death a stranger abareth: And it is good as well against the Abator, as any other in Possession. How this may be extended, see *Bract. lib. 4. traç. 3. per totum, Brit cap. 70. Fitz. Nat. Brev. fol. 114. Reg. Orig. fol. 223.* This the Civilians call *Judicium Possessionum adipiscendi*.

Affise of Warrein Presentement, *Affisa ultima presentationis*, Lies where I and my Ancestor have presented a Clerk to a Church, and after the Church being void by his Death, or otherwise, a stranger presents his Clerk to the same Church in disturbance of me: And how otherwise this Writ is used. See *Bract. lib. 4. tract. 2. Reg. Orig. fol. 30. F.N.B. fol. 195.*

Affise de urruin, Lyeth for a Parson against a Layman, or a Lay-man against a Parson, for Land or Tenement doubtful, whether it be Lay-fee, or free-alm. And of this, see *Bract. lib. 4. tract. 5. cap. 1. Brit. cap. 95.* The reason why these Writs be called *Affises*, may be divers. First, because they settle the Possession, and so an outward right in him that obtaineth by them. Secondly, They were originally executed at a certain time and place formerly appointed. For by the *Norman Law*, the time and place must be known forty days before the Justice sit upon them: And by our Law likewise fifteen days of preparation, except they be tried in those standing Courts of the King at *Westminster*, as appeareth by *F.N.B. fol. 177.* Lastly, They may be called *Affises*, because they are tried most commonly by special Courts, set and appointed for that purpose, as may well be proved, not only out of the *Customary of Normandy*, but our Books also; which shew, that in ancient times, Justices were appointed by special Commission to dispatch Controversies of Possession, one or more, in this or that only County, as occasions fell out, or *Disseisins* were offered, and that as well in Term-time as out of Term: Whereas, of later days, we see that all these Commissions of *Affises*, of *Eyre*, of *Oyer* and *Terminer*, of *Goal-delivery*, and of *Nisi prius*, are dispatched all at one time, by two several Circuits in the year, out of Term, and by such as have the greatest sway of Justice, being all of them either the King's ordinary Justices of his Benches, *Barons* of the Exchequer, *Sergeants* of the Law, and such like; concerning which, hear the learned Lord *Verulam* in his Use of the Law, fol. 13. ad 21.

All the Counties of this Realm (says he) are divided into six Circuits, and two men learned in the Law are assigned by the King's Commission in every Circuit, who ride twice a Year through those Shires allotted to that Circuit; these we call Justices, or Judges of *Affise*, who have five several Commissions, by which they sit. The first is a Commission of *Oyer* and *Terminer* directed to them, and many others of the best account in their Circuits: But in this Commission the Judges of the *Affise* are of the *Quorum*, so as without them, there can be no proceedings. This Commission gives them power to deal with Treasons, Murders, and all manner of Felonies and Misdemeanors; and this is their largest Commission. The second is of *Goal delivery*, and that only to the Judges themselves, and the Clerk of the *Affise* associate; by this Commission they are to deal with every Prisoner in *Goal*, for what Offence soever he be there: The third Commission is directed to themselves only, and the Clerk of the *Affise* to take *Affises*, by which they are called Justices of *Affise*; and the Office of these Justices, is to right upon Writs called *Affise*, brought before them by such as are wrongfully thrust out of their Lands. The fourth Commission is to take *Nisi prius*, directed to none but the Judges themselves and their Clerks of *Affises*, by which they are called Justices of *Nisi prius*. The fifth is a Commission of Peace in every County of their Circuit: And all the Justices of Peace, having no lawful impediment, are bound to be present at the *Affise*, to attend the Judges, as occasion shall fall out; if any make default, the Judges may set a Fine upon him at their pleasure and discretions: The Sheriff of every Shire, is also to attend in person, or by a sufficient Deputy, allowed by the Judges, who may fine him, if he fail, &c.

Affise, in the second signification, according to *Littleton*, is used for a Jury; For (to use his own Example) it is set down in the beginning of the Record of an *Affise of Novel Disseisin*, as *Affisa venit recognitura*, which is as much to as say, *Juratores veniunt recognituri*: And the reason why the Jury is called an *Affise*, he giveth to be this, Because by a Writ of *Affise*, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de vicineto, &c. Videre tenementum illud, & nomina eorum imbrevari, & quod summoneat eos per bonas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem, &c.* This is (to speak shorter) *Metonymia effecti*, for they are called the *Affises*, because they are summoned by virtue of the Writ so called. And yet the Jury summoned upon a Writ of Right, is likewise called the *Affise*; though it be not an *Affise*, but is so termed κατ'εξουσίαν, or abusively. *Affise* in this signification, is divided into *Magnam*, & *Parvam*, *Glanv. lib. 2. cap. 6, 7, &c. and Brit. cap. 12.* where it appeareth, wherein the *Great Affise* differeth from the *Petit Affise*. The former four kinds of *Affises* used in Actions only Possessory, be called *Petit Affises*, in respect of the *Grand Affise*: For the Law of Fees is grounded upon two Rights; one of Possession, the other of Property. And as the *Grand Affise* serveth for the Right of Property, so the *Petit Affise* serveth for the Right of Possession. *Horn's Mirror of Just. lib. 2. cap. de Novel Disseisin.* *Affise* in the third signification, according to the same *Littleton*, is an Ordinance or Statute, as the Statute of Bread and Ale, made 51. H. 3. is termed The *Affise* of Bread and Ale, *Affisa Panis & Cerveisie*, *Reg. Orig. fol. 279.* The *Affise* of *Clarendon*, *Affisa de Clarendon*, whereby those that be accused of any heinous Crime, and not able to purge themselves by Fire and Water (perhaps *Ordeal*, *Oradialium*) but must abjure the Realm, had liberty of forty days to stay, and try what Succour they could get of their Friends, towards their sustentance in Exile, *Scamf. Pl. Cor. fol. 118.* which he seemeth to have taken out of *Bract. lib. 3. tract. 2. cap. 16. num. 2.* See also *Roger Hoveden, parte poster. suor. Annal. fol. 313. in Hen. Secundo.*

Affise of the Forest, *Affisa de Foresta*, Is is a Statute or Condition, touching Orders to be observed in the King's Forest. *Manwood's Forest Laws, part. 1. p. 35.* *Crompt.* in the Court of Justices of the Forest, per totum, fol. 146. And the *Affise* of the King, anno 18 Ed. 1. Stat. 1. called The Statute for view of Frankpledge. And these be called *Affises*, because they set down and appoint certain Measure, Rate or Order in the things they concern. Of *Affise*, in this signification, *Glanville* speaks, *Lib. 3. cap. 10. in fine.* *Generaliter verum est quod de quolibet placito quod in comitatu deducitur & terminatur, misericordia que inde provenit, vicecomiti debetur: Que quanta sit, per nullam Affisam generalem determinandum est:* And thus much touching *Littleton's* Division. But if we mark well the Writers of the Law, we shall find this word *Affise* more diversly used, than he (*Littleton*) hath noted. For it is sometime used for the Measure or quantity it self, (and that per *Metonymiam effecti*) because it is the very scantling described or commanded by the Ordinance; as we say, when Wheat, &c. is of such a price, then the Bread, &c. shall be of such *affise*. This word is further taken for the whole Process in Court, upon the Writ of *Affise*, or for some part thereof, as the Issue or Verdict of the Jury: For Example, *Affises of Novel Disseisin, &c.* shall not be taken, but in their Shires, and after this manner, &c. *Mag. Chart. c. 12.* and so it seems to signify, *West. 2. cap. 25. 13 Ed. 1.* in these words, *Let the Dissisor allege no false Exceptions, whereby the taking of the Affises may be deferred, &c.* And 34 E. 1. Stat. 2. If it be found by *Affise*; the *Affise* is arraigned, so aver by the *Affise*, the *Affise* by their default shall pass against them.

them. And also 1 H. 6. c. 2, Affises awarded by default of the Tenants, &c. Lastly, by *Morton*, cap. 4. an. 20 H. 3. Certified by the *Affise*, Quize by the *Affise*, &c. And in this signification *Glanville* calleth it, *Magnam Affisam Domini Regis, qua ex duodecim ad minus legalium hominum Sacramentis consistit*, lib. 2. cap. 7. *Bract* useth it in like sort, as *Affisa cadit in transgressionem*. Id. c. 30. & *affisa cadit in perambulationem*, Id. c. 31. num. 2. *Fleta* defineth an Affise in this signification, thus, *Affisa in jure possessionis, est quadam recognitio duodecim hominum juratorum, per quam Justiciarii certiorantur de articulis in brevi contentis*. And Affise also thus signifying, is said sometime to pass per modum *affisa*, and sometime *in modum jurata*; in manner of an Affise, when only the *Disseisin* is in question, is put to the Tryal of the twelve, in manner of a Jury, when any Exception is objected, to disable the Interest of the *Disseisin*, and is put to be try'd by the twelve, before the Affise can pass: As for Example, *Questio status, causa successione, causa donationis, pactum sue conditio vel conventio, voluntas & dissimulatio, transactio vel quies clamatio, vel remissio, confirmatio sue consensus, propria usurpatio rei proprio, difficultas iudicii, iustum iudicium, finis, Chirographum, intrusus in rem alienam vel disseisina, si inconveniens rejectio, negligentia qua per transitum temporis excludit actionem*, *Fleta*, lib. cap. 10. sect. 1. Whom read also to this point, c. 11. sect. Si autem a Domino; and at large, cap. 16. ejusd. lib. & lib. 5. cap. 6. sect. Item vertitur affisa. And note, That Affise in this signification is taken four ways, *Old Fitz. Nat. Brev. fol. 105*. The first is *Affise at large*, which is taken as well upon other Points, as upon the *Disseisin*, v. g. where an Infant bringeth an Affise, and the Deed of his Ancestor is pleaded, whereby he claimeth his Right, or founded his Title, then the Affise shall be taken at large; that is, the Jury shall enquire not only whether the Plaintiff were disseised or not by the Tenant, but also of these three Points, viz. Whether his Ancestor were of full Age, of good Memory, and out of Prison, when he made the Deed pleaded. Another Example out of *Kitch. fol. 66*. The Tenant pleadeth a Foreign Release, in Bar to an Affise, whereupon the Cause was adjourned: At the day the Tenant maketh default, therefore the Affise was taken at large, that is, not only whether the Plaintiff were disseised, but also whether there be any Foreign Release. A third Example you may read in *Littleton*, cap. *Estates upon condition*. The second manner of Affise in point of Affise, (*Affisa in modum Affisa*) which is, when the Tenant, as it were, setting Foot to Foot with the Demandant, without farther circumstance, pleadeth directly to the Writ, *no Wrong, no Disseisin*. The third manner is, Affise out of the point of Affise (*Affisa extra Affisam, vel in modum jurata*) viz. when the Tenant alledgeth some by Exception, that must be try'd by a Jury, before the Principal Cause can proceed; as if he plead a Foreign Release, or Foreign Matter triable in another County. For in this case, the Justices refer the Record to the Court of Common Pleas, for the trial of the Foreign Pleas, before the *Disseisin* can come to be discussed. Of this sort, read divers Examples in *Bract. lib. 4. page 1. ca. 34*. and *Britt. ca. 52*. The fourth and last manner is, *Affise of Right of Damages*; and that is, when the Tenant confesseth an Ouster, and referring it to a Demurrer in Law, whether it were rightly done or not, is adjudged to have done wrong; for then shall the Demandant have a Writ to recover Damages, which is called *Affise to recover Damages*, as also the whole Process. *Affise* is further taken for the Court, Place, or Time, when and where the Writs and Processes of the Affise be handled or taken. And in this signification *Affise* is general; as when the Justices go their several Circuits, every couple with their Commission, to take all *Affises* twice in the

Year, which is called the *General Affises*; for he that speaketh of any thing done at that time, and in that Place, will commonly say, It was done at the *General Affises*. It may likewise be special in this signification, (as if a Special Commission should be granted to certain as in ancient times they often were, *Bract. lib. 3. cap. 11. in fine*) for taking an Affise upon one *Disseisin* or two; any thing done in the Court before them, a Man will say was done at such *Special Affise*. And in this signification *Glanville* useth it, *Lib. 9. cap. 12*. in these words, *Si contra Dominum suum, & non infra affisam tunc distinguatur ipse occupator, &c.* And *lib. 13. cap. 32. M. Skene de verbor. Sig. tit. Affise*, saith, That in Scotland this word hath five significations; touching the Fifth, he hath these words, An *Affise* is called a certain number of Men, lawfully summoned, received, sworn and admitted, to judge and discern in divers Civil Causes, &c. whereof there be two kinds; one ordinarily in use, which may be called a *Little Affise*, of the number of thirteen or fifteen Persons; the other, a *Great Affise*, consisting of twenty five Persons, &c.

Affisa continuanda, Is a Writ directed to the Justices assigned to take an Affise, for the continuance of a Cause, where certain Records alledged, cannot in time be procured by the Party that would use it, *Reg. Orig. fol. 217*.

Affisa Manis & Cervisia. The Power or Privilege of assising or adjusting the Weights and Measures of Bread and Beer: As the weight of Bread prescribed by the Magistrate, is still called the *Size* or *Affise* of Bread. So half a Crust or Parthing Bread, is in *Cambridge* call'd a *Size* of Bread. And a Servitor is there a *Sizer*, or one who is to live upon such an assised allowance: Hence to *size*, i. e. to match Cloth, Silk, &c. to get of the same *affise* or proportion. Hence *Size* for height and stature. *Sizely* in the North is proud and coy.

Affisus, Dimis'd or farm'd out for such an Affise, or certain assised Rent in Money or Provisions. *Terra Affisa*, was commonly oppos'd to *Terra Dominica*: this last being held in Demaine, and occupied by the Lord; the other let out to inferior Tenents. So among the Lands of the Knights Templars, belonging to their Preceptory of *Sandford*, *Com. Oxon.* *Apud Covele de dono Matildis Regina habentur quatuor hida, quarum due sunt in Dominico, & due affisa ab Hominiibus, apud Meritone due in Dominico, & quinque affise ab Hominiibus*. Mr. *Kenner's* Paroch. Antiq. p. 141. Hence *Redditus Affisus*, the set or standing Rent. *Sunt ibidem de reddito affiso xl s.* Ibid. p. 314. *Summa reddituum affisorum de manerio*; p. 355. Hence to *affise* or allot the Proportion and Rates in Taxes and Payments, by *Affisors* in *Affissements*.

Affisa proroganda, Is a Writ directed to the Justices of Affise, for the stay of Proceedings, by reason of the King's Business, wherein the party is employ'd, *Reg. Orig. fol. 208. & 211*.

Affisores, *Affisores*, sunt qui affisas conduunt, aut taxationes imponunt, saith *Spelman*. In Scotland, according to *Skene*, they are the same with our Jurors, and their Oath is this:

*We shall leil, saith say,
And na saith conceale, far na thing we may,
Sa far as we are charg'd upon this Affise,
By God himself, and be our part in Paradise.
And as we will answer to God, upon
The dreadful day of Dome.*

Affortation, *Affortatio*, Is a Patent sent by the King, either of his own Motion, or at the suit of the Plaintiff, to Justices appointed to take Affises of *Novel Disseisin* or of *Oyer and Terminer*, &c. to take others unto them as Fellows and Collegues in that Business. As if the

King makes three Justices of Assize, and afterwards one of them dies, there the King may grant a Patent of Affocation to another, to associate him to the two, in place of him that is dead, and a Writ which shall be close, directed to the two Justices that are alive to admit him, *F. N. B. 185. & 111.* The Examples, and sundry Uses hereof, may be found in several places, but particularly in *Regist. Orig. fol. 201, 202, 205, 206, 207, 223, 224.*

Affoye. (*Absolvere*) Signifies to deliver, or set free from an Excommunication, *Stamf. Pl. Cor. lib. 2. cap. 18. fol. 71. b.* whose words are to this effect, otherwise the Defendant should remain in Prison, till the Plaintiff were affoyed, that is, delivered from his Excommunication. So that in *1 H. 4. cap. 10.* mention being made of King Edward the Third, it is added, *Whom God assyloyle.*

Assumpsit. Is a voluntary Promise made by word, whereby a Man assumeth, or taketh upon him, to perform or pay any thing unto another. This word includeth any verbal Promise made upon consideration, which the *Civilians* express by divers words, according to the nature of the Promise; calling it sometimes *Passum*, sometime *Sponsionem*, sometimes *Promissionem*, *Pollicitationem*, or *Constitutum*. The word is derived from the Latin Verb *assumpsit*, and bears the sense of, He hath assumed upon him, or undertaken.

Astrarius Hæres. Dicitur cui ille antecessor in vita sua per caritatem hereditatem restituit. *Co. Inst. p. 1. f. 8. b.* — *De Astro & Astrario, vid. Selden's Notes on Hengham, p. 139.*

Astrilthet, or Arrastrilthet. Is a Saxon word, and denotes, say *LL. Divi Edwardi, cap. 30.* *Hi qui pacem Regis habent, vel manu vel brevi, &c. Qui si nimis confidens in pace quam habet per superbiam alicui forsiferit, damnum restituet & iterum tantundem, quod Angli vocant Astrilthet.* See *Hoveden, pag. 606.*

Astrum. A House or Place of Habitation, from *Astre*, which *Spelman* renders the Hearth of a Chimney, & *Sax. Hearth, Focus, Fornacula.* — *18 Ed. 1. Præceptum fuit Vicecom. quod replegiat corpus Willielmi Jaket quod Ricardo de Sancto Valentin cepit & captum tenuit. Qui Ricardus venit & advocat captionem ut de Villano suo, & quod cepit ipsum in Astro suo in quo natus fuit, eo quod seipsum elongavit de Astro prædicto. Placit. Hillar. 18 Ed. 1.*

Athes, Adaa. A Power or Privilege of exacting and administering Oath, in some cases of Property and Right. From the Saxon *Ath, Juramentum, Othe.* Among the Privileges granted by *Hen. 2.* to the Monks of *Glastenbury*, — *Habeat quoque eadem Ecclesia Sacam & Sacam on Stronde and on Sireme, on Wode, and on Feld, on Grithbriche, on burh-briche. Adaa, Ortelas, Ealle-bordas, &c.* the same Privilege call'd *Othes* in another Charter to the same Abby, — *Abbas & Conventus habeant hundred Setne, Othes and Ordelas, Ealle, Twidus, &c.* Cartular. Abbat. Glaston. MS. f. 14. & 37.

Ategar. A sort of Weapon among the Saxons. *Flor. Wigorn. sub anno 1040.* and from Him, *Hoveden sub eodem anno.* — *In manu sinistra clipeum, cujus umbo clavique erant deaurati, in dextra lanceam, que lingua Anglorum Ategar appellatur.* It seems to have been a Hand-dart, from *Sax. Aeton*, to sling or throw, and gar, a weapon, *Spelman.*

Atia. See *Odio & Atia.*

At large. *Ad largum.* See *Verdict at large.* *Lit. fol. 98.* To vouch at large, *Old. Nat. Brev. fol. 108.* To make Title at large, *Kitchin, fol. 68.* See *Bar.*

Attacher. *Attachiare.* Cometh from the French *attacher*; that is, *figere, nettere, alligare*: In the Common Law, it signifies to take or apprehend by Commandment of a Writ or Precept; *Lamb. in his Eirenarch. lib. 1. cap. 16.* maketh this difference between an *Arrest*,

and an *Attachment*, that *Arrest* proceedeth out of lower Courts, by Precept; and an *Attachment* out of higher Courts, by Precept or Writ; and that a Precept to Arrest hath these formal words, (*Duci facias*) and a Writ of Attachment these words, (*Præcipimus tibi quod Attachies talem & habeas eum coram nobis, &c.*) Whereby it appears, That he which arresteth, carrieth (or ought to carry) the Party arrested to a Person of higher power to be disposed of forthwith; he that attacheth, keepeth the Party attached, and presents him in Court at the day assigned. Yet we may take notice, That an Attachment issueth out of a Court-Baron, which is an Inferior Court; *Kitchin, Attachment in Court-Baron, fol. 79.* Another difference there is, that an Arrest only lies upon the Body of a Man, but an Attachment chiefly upon his Goods: And this also makes it differ from a *Capias*, which lays hold only of the Body; whereas a Man may be attached by an hundred Sheep. Other differences between a *Capias* and Attachment, and a *Distress*, may be these. First, an Attachment differs from a *Capias*; that in a Court-Baron, a Man may be attached by his Goods, but a *Capias* shall not go out thence. Secondly, a *Capias* (be it the *Grand Cape* or the *Petit Cape*) taketh hold of immoveable things, as Lands or Tenements, and properly belongs to Actions real, as may be gather'd from their Forms, *F. N. B.* whereas Attachment hath place rather in Personal Actions, *Bract. lib. 4. tract. 4. cap. 5. num. 5.* See *Skene, de verbo Sign. tit. Attachiammentum.* In the next place, an Attachment differs from a *Distress*, *Kitch. fol. 78.* holds, That the Process in a Court Baron, is *Summons, Attachment and Distress*, *Old Nat. Brev. fol. 27.* That the Process in a *Quare impedit*, is *Summons, Attachment, and one Distress.* And *fol. 28.* speaking of the Writ *Ne admittas*, saith, The Process is one Prohibition, and upon that Attachment and Distress. And *fol. 32.* in a Writ of *Inducavit*, after the Attachment returned, the Distress shall go out of the Rolls of the Justices. *Bracton* on the other side, *Lib. 5. tract. 3. cap. 4. num. 2.* thinks, that *Attachiammentum & magnum Cape, sunt Distractiones*; wherewith agrees *Elect. lib. 5. cap. 24.* but with this Distinction, that *Attachiammentum est distractio personalis, & Cape magnum distractio realis.* So that upon the whole matter, there are but two Differences, between an Attachment and a Distress; viz. That an Attachment reacheth not to Lands, as a Distress doth; and a Distress toucheth not the Body (being properly taken) as an Attachment doth. Yet are they divers times confounded, as appears by the fore mentioned places; and *Glanv. lib. 10. cap. 3.* and *Fleta, lib. 2. cap. 66.* But to conclude: In common acceptance of Law, an Attachment is an Apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A Distress is the taking Goods, for some real Cause, as Rent, &c. whereby to force him to Replevy, and so become Plaintiff in an Action of Trespass against him that distrained him. There is also an Attachment out of Chancery, and may be had of course upon Affidavit, made of the Service of Sub-pœna, and the Defendants not appearing, or else Issues upon not performing some Order or Decree: And they are of two sorts; one simple, which is before-mentioned, originally sent out for apprehension of the Party: The other, after Return made by the Sheriff, *Quod Defendens non est inventus in Balliva sua*, with Proclamation made through the whole County, that the Party appear by a day assigned, and that he be attached nevertheless, if he may be found. This second kind hath an affinity with the *Canonists* (*visis & modis*) at which if the Party appear not, he is Excommunicate; and with the *Civilians*, *Visis & modis, una cum intimatione*; for if in the Chancery he come not in upon this Attachment, with Proclamation, a Writ of Rebellion issues forthwith, *West. 2. Part, Symbolæog. Tit. Proceeding in Chancery.*

As to the word *Attacher*, to *attache*, or take into custody, the Learned *Du-fresne* supposes it derived from the old Gallic *Taseu*, *Taschia*, the Rent of Land or Tenement; from the British *Tase*, Tribute; *Tasfyd*, Collector of the Tribute. (whence our *Tasque* or imposed Duty, a *Tasquer*, or Day-Labourer, a *Tasque-master*, &c.) So as *attacher* was no more at first than to gather Rent, or collect Tribute, and upon refusal to take it by force, as a Debt and Forfeiture, &c.

Attachiamenta bonezum. A Distress taken upon the Goods or Chattles of any, tied for Personal Estate or Debt, by the Legal *Attachiatores* or Bayliffs, as a security to answer the Action. It was a Privilege granted to the Abbat and Convent of *Osney*, to have the Attachments of the Goods of their Tenants Quiclam'd or releas'd, &c. See *Paroch. Antiq.* p. 196.

Attachiamenta de Spinis & *Bosco*. The Privilege granted to the Officers of a Forest to take to their own use Thorns, Brush, and Wind fall, within such Precincts or Liberties committed to their charge. So *John Fitz Nygel* Forester of *Bernwood*, A.D. 1230. — *Debet habere feodum in Bosco Domini Regis; videlicet Attachiamentum de Spinis de Bosco suo, & de Bosco qui vento proficitur*. *Paroch. Antiq.* p. 209.

Attachment of Privilege. Is by virtue of a Man's Privilege, to call another into that Court whereunto himself belongeth; and in respect whereof he is privileged, *New Book of Entries, verb. Privilege*, fol. 431.

There is also a *Foreign Attachment*, which is of a Foreigner's Goods found in some Liberty or City, to satisfy some Creditor of his within such Liberty or City. And by the Custom of *London*, a Man may attach Money or Goods in the hand of a Stranger, while he is within their Liberty. As if A. owes B. ten pounds, B. may attach this ten pounds in the hands of C. *Cathberp's Rep.* pag. 66.

There is also an *Attachment of the Forest*, which is one of three Courts there held, *Manwood*, p. 90, & 99. The lower Court is call'd the *Attachment*; the middle one, the *Swainmote*; the highest, the *Justice in Eyres Seat*. The Court of *Attachment* seemeth to be so call'd, because the *Verderors* of the Forest have therein no other Authority, but to receive the *Attachments* of Offenders against *Pert* and *Penison*, taken by the rest of the Officers, and to enroll them, that they may be presented and punish'd at the next *Justice-Seat*, *Manwood*, Part. 1. p. 93. And this *attaching* is by three means; 1. By Goods and Chattels. 2. By the Body, Pledges and Mainprife. 3. By the Body only. This Court is kept every forty days. See *Crompton* in his *Court of the Forest*. For the diversity of *Attachments*, see *Reg. Orig. verbo Attachiamentum, in Indice*.

Attaint, *Attainsta*, Is used for a Writ that lieth after Judgment, against a Jury, that hath given a false Verdict in any Court of Record, be the Action Real or Personal, if the Debt or Damages amount to above the sum of forty Shillings. For the Form and Use of it, see *F. N. B.* fol. 105. and the *New Book of Entries*, fol. 84. col. 1. The reason why it is so called, seemeth to be, because the Party that sueth it out, endeavoureth thereby to stain the Jury with Perjury, by whose Verdict he is grieved, whose Punishment by the Common-Law consisteth in these Particulars: 1. *Quod amittat liberam Legem in perpetuum*, He shall never be received as Witness, or admitted a Juror, &c. 2. *Quod jurisfaciat omnia bona sua & catalla*. 3. *Quod terra & tenementa in manus Domini Regis capiantur*. 4. *Quod uxores & liberi extra domus suas ejicerentur*. 5. *Quod domus sue prosterantur*. 6. *Quod arbores sue prosterantur*. 7. *Quod prata sua aventur*. 8. *Quod corpora sua carceri mancipentur*: Co. on Lit. lib. 3. cap. 8. sect. 514. See also *Glanville*, lib. 2. cap. 19. *Fitz. Nat. Brev.* fol. 109, 110. *Termes de Ley*, verb. *Attaint*. *Fortescue*,

cap. 26. *Smith, de Rep. Anglor. lib. 3. cap. 2.* And 11 H. 7. cap. 21. & 23 H. 8. cap. 3. It is a Substantive made of the French (*atteindre*) i.e. *assigui*, vel *attingere*, because he is caught and overtaken; or rather of the French (*teindre*) in Latin (*tingere*) to stain, dye, or colour, or give a tincture: *Unde Gallico Teint, Lat. Tinctus*, as we in English say attainted, or tainted of Treason, that is stained.

Attainted, *Attainsta*, Is us'd in our Common-Law, particularly for such as are found guilty of some Crime or Offence, especially Felony or Treason: Howbeit a Man is said to be attainted of Disseisin, *West.* 1. cap. 24. & 36. anno 3. Ed. 1. and so the French use it, as, *Espre attaint & vauyons en aucun case*; that is, to be cast in any case. A Man is attainted by two means; By Appearance, or by Process, *Samf. Pl. Cor. fol. 44.* *Attainder* by Appearance, is by Confession, by Battel, or by Verdict, *Id. fol. 122.* *Confession*, whereof *Attaint* groweth, is double; one at the Bar before the Judges, when the Prisoner upon his Indictment read, being asked whether *Guilty* or *Not-guilty*, answers, *Guilty*, never putting himself upon his Country; the other is, before the Coroner in Sanctuary, where he was in former times upon his Confession, constrained to abjure the Realm; and therefore this kind of Attaint was call'd *Attainder by Abjuration*, *Id. fol. 182.* *Attainted by Battel*, is, when the Party appealed by another, and chusing to try the truth by Combat, rather than by Jury, is vanquish'd, *Id. fol. 44.* *Attainder by Verdict*, is, when the Prisoner at the Bar, answering to the Indictment, *Not-guilty*, hath an Enquest of Life and Death passing upon him, and is by their Verdict found *Guilty*, *Id. fol. 108, & 192.* *Attainder by Process*, otherwise call'd *Attainder by Default* or *Utlary*, is, where a party flieth, and is not found, until he have been five times publicly called in the County, and at the last Outlawed upon his Default, *Id. fol. 44.* The same Author, fol. 108. makes a difference between *Attainder* and *Conviction*. And with this agreeth the Statute 34 & 35 H. 6. cap. 14. and 1 E. 6. cap. 12. Add hereto 2 & 3 Ed. 6. cap. 33. And *Samf.* fol. 66. saith, A Man by our ancient Laws, was said to be convicted presently upon the Verdict (*Guilty*) but not to be attainted, till it appeared he was no Clerk; or being a Clerk, and demanded of his Ordinary, could not purge himself; whereby it appeareth, That *Attainder* is larger than *Conviction*, *Conviction* being only by the Jury: And *Attainder* is not before Judgment, *Perkins, Grants*, nu. 27, 29. This ancient Law touching the Purgation and Conviction of Clerks, is altered by 23 Eliz. cap. 2. as you may read further in *Clergy*.

Attainder, *attainsta*, and *attainstura*: Is when a Man hath committed Felony or Treason, and Judgment is passed upon him. The Children of a Person attainted of Treason, cannot be Heirs to him, or any other Ancestor: and if he were Noble and Gentle before, thereby his Posterity are Degraded, and made Base; and this corruption of Blood cannot be saved, but by an Act of Parliament. See *Attaint*, *Attainted*, and *Felony*.

How far the Tenure of *Gavel-kind* survives in such case, we will not dispute, only set down what Tenants in that kind have among themselves as a Maxim, viz.

The Father to the Bough,
The Son to the Plough.

But many of those Tenures are within the last Century altered by Statute; the Reasons whereof are not to our purpose here.

Attal-sarefin. The Inhabitants and Miners of *Cornwall*, call an old deserted Mine that is given over, by this name of *Attal sarisin*, i.e. the Leavings of the *Sarasin*, or *Sassini*, or *Saxons*.

Attendant, Attendens, Signifies one that oweth a Duty or Service to another, or after a sort dependeth of another. For Example; There is a *Lord, Mesne, and Tenant*; the *Tenant* holdeth of the *Mesne* by a Penny, the *Mesne* holdeth over by two Pence: The *Mesne* releaseth to the *Tenant* all the right he hath in the Land, and the *Tenant* dieth; his Wife shall be endowed of the Land, and she shall be *Attendant* to the Heir of the third part of the Penny, not of the third part of the two Pence; for she shall be endowed of the best Possession of her Husband. And *Kitchin, fol. 109.* saith, That where the Wife is endowed by the Guardian, she shall be *Attendant* to the Heir at his full age: With whom agrees *Perkins in Dower, 424.*

Attenuating. — Also such as will purchase Attenuating of their Debts, shall be sent into the Exchequer. *Ordinatio de libertatibus perquirendis. Anno 27 Ed. 1.* It comes from the French *attenuer*, i. e. that hath a time or term granted for the payment of a Debt. So in this Statute, it seems to signify the purchasing or gaining a longer time for payment of a Debt. *Attenuant querentes usque in proximum Parliamentum. Westm. 2. cap. 24.*

Attilatus Equus. A Horse with his Geers, or Harness on, for the work of the Cart or Plough.

Attila, Attilium, Attilamentum. The Rigging of a Ship. — *Præcipimus Henrico de Fowick & Luca de Barentor, quod quadam bona & mercimonia quorundam Mercatorum de Zeland, Navis & Attilia, occasione quarundam transgressionum.* — *Memorand. in Scac. Mich. 4 Ed. 1.* Maynard's *Tear Book.* — *Præceptum fuit Baronibus — quod sine dilacione reparari faciant unam Navem cum Attilio decenti in London, Ibid. Trin. 24 Ed. 1.* — Hence *Attila* was us'd likewise for the Tools and Implements of Husbandry. — *Willielmus Primas Eboracensis vult, ut remaneant in Balliva Chirchedon 2 equi carectarii, cum carecta & 36 boves cum 4 carueis & Attilis, An. D. 1283. Ex Registr. Will. Wickwane Archiep. Ebor. MS. f. 46.* The word *Attila*, for Military Harness or Accoutrements, occurs in the Stat. of Rob. 1. King of Scots, cap. 27. The French now use the word *Outils*, for any sort of Instruments.

Attornato faciendo vel recipiendo, Is a Writ, which a Man owing suit to a County, Hundred, Wapentake, or other Court, and desiring to make an Attorney to appear for him, whom he doubteth, whether the Sheriff or Bayliff will admit, or not, purchaseth to command him to receive and admit him. The Form thereof, see *F. N. B. fol. 156.*

Attornare rem. To Attorn or Turn over Money and Goods; i. e. to assign or appropriate them to some particular use and service. — *quos quidem quatuor solidos — attornavi ad unam pietantiam faciendam in conventu Osencensi. Paroch. Antiq. p. 283. Vide Turn.*

Attournment, Attournementum, Signifies the Tenants acknowledgment of a new Lord; for otherwife, he that buyeth any Lands or Tenements which are in the occupation of a third, cannot get the possession. Yet see *27 H. 8. cap. 16.* the words used in *Attournment*, are set down by *Littleton, lib. 3. cap. Attournment 10. viz. I agree to the Grant made to you, &c.* or, more usually, *Sir, I attourn to you by force of the same Grant; or, I become your Tenant, or else deliver unto the Grantee a penny by way of Attournment: You may in the same place see divers other Cases, whereto Attournment appertaineth, and that it is the transposing those Duties the Tenant ought to his former Lord unto another, and is either by word, or by act, &c.* *Attournment* also is voluntary or compulsory, by the Writ termed, *Per quæ servitia, Old. Nat. Brev. fol. 155.* Or sometimes by Distress, *F. N. B. fol. 147.* Lastly, *Attournment* may be made to the Lord himself, or to his Steward in Court,

Kitchin, fol. 70. There is also *Attournment in Deed*, and *Attournment in Law*, Co. vol. 6. fo. 113. a. *Attournment in Law* is an Act, which tho' it be no express *Attournment*, yet in intendment of Law is all one.

Attorney, Attornatus, Cometh of the French word (*Tourner*) *vertere*. Thence cometh the Participle (*tourne*) *versus, conversus*, and the Substantive (*tour*) *vices*; as *Chascun a son tour, Quilibet sua vice.* It signifies in a Legal acceptation, one appointed by another Man to do any thing in his stead, and is as much as *Procurator* or *Syndicus* in the Civil-Law: *West. Symb. Part. 1. lib. 2. sect. 559.* defines them thus, *Attorneys* be such Persons, as by the Consent, Commandment, or Request of another, do take heed, see to, and take upon them the Charge of other Men's Business in their absence. And it seemeth that in ancient time, those of Authority in Courts, had it in their power, whether they would suffer Men to appear, or sue by any other than themselves; as it is evident by *F. N. B. fol. 25.* In *Writ Dedimus Potestatem de Attornato faciendo*, where it appears, that Men were forced to procure the King's Writs, or Letters Patent, to appoint *Attorneys* for them; but since that, it is provided by several Statutes, that it should be lawful so to do without any such matter, as *20 H. 3. cap. 10. 6 E. 1. cap. 8. 27 E. 1. Stat. 2. 12 E. 2. 1. 15 E. 2. cap. Unico, 7 R. 2. cap. 14. 7 H. 4. 13. 3 H. 5. 2. 15 H. 6. 7. and 17 H. 7. 2.* And you may see great diversity of Writs in the Table of the *Register Orig.* wherein the King, by his Writ, commandeth the Judges to admit of *Attorneys*; whereby there grew at last so many skilful *Attorneys*, and so many Mischiefs by them, that provision for restraining them was requisite. Wherefore anno 4 H. 4. ca. 18. it was ordain'd, That the Justices should examine them, and displace the unskilful. And again, *33 H. 6. cap. 7.* that there should be but a certain number of them in *Norfolk* and *Suffolk.* In what Cases at this day a Man may have an *Attorney*, and in what not, see *Fitzh. ubi supra.*

Attorney, is either General or Special. *Attorney General* is he, that by general Authority is appointed to manage all our Affairs or Suits: As the *Attorney General* of the King, which is as much as *Procurator Caesaris* was in the Roman Empire. *Attorney General* of the Duke, *Crompt. Jurisd. fol. 105.* *Attorney Special* or *Particular*, is he that is employ'd in one or more Causes particularly specified. *Attorneys General* be made after two sorts, either by the King's Letters Patent, or by appointment before Justices in *Eyre* in open Court; *Glanville, lib. 11. cap. 1. Britton, cap. 126.* There be also in respect of the divers Courts, *Attorneys at large*, and *Attorneys Special*, belonging to this, or that Court only. The Name is borrow'd of the *Normans*, as appears by the Customary, cap. 65. And the word *Attornati*, or as some read it *Turnati*, is found in the same signification, in the Title *De statu regularium, can. unico, sect. parvo in sexto*, where the Gloss saith, That *Attornati* dicuntur *Procuratores, apud athen constituti: Our old Latine word* for it, seems to be *Responsalis, Bract. lib. 4. 31. & lib. 5. part. 2. cap. 8.* And so it is in Scotland at this day, but especially for the Defendant's Attorney. *Skene de verb. signif. Responsalis*, as *Sigonius* witnesseth in his first Book, pag. 11. *De Regno Italia*, was in ancient time the Title of the Pope's Embassador.

Attorney of the Court of Wards and Liveries, Attornatus Regis in Curia Wardorum & Liberatarum, Is the third Officer in that Court; at his Admission into the Office, he taketh an Oath before the Master of the said Court, well and truly to serve the King, &c. But the Court of *Wards* and *Liveries*, being it self taken away by the Statute, *12 Car. 2. cap. 24.* this Office is gone, and therefore we will say no more of it.

Attorney of the Court of the Duchy of Lancaster, Attornatus

turnatus Curia Ducatus Lancastriae, Is the second Officer in that Court, and seemeth for his skill in Law, to be then placed as Assessor to the Chancellor of that Court, being for the most part some Honourable Person, and chosen rather for some special trust reposed in him; to deal between the King and his Tenants, than for any great Learning; as was usual with Emperors of Rome, in the choice of their Magistrates.

Abage, or Abisage, Is a Rent or Payment which every Tenant of the Mannor of *Writel in Essex*, upon *St. Leonard's day*, the sixth of November, pays to the Lord, viz. for every Pig not a Year old, a half-penny; for every Yearling Pig, one Penny; for every Hog above a Year old two pence, for the privilege of Pannage in the Lord's Woods.

Abant-mard, The Van-guard or Front in an Army. — *Cam exercitus in hostem pergit, ipse per consuetudinem facit Abant-wardos. Et in reversione Redre-wardos. Ha consuetudines erant Walensium.* T.R.E. in *Arce-nfeld Lib. Doom's-day*.

Abantagium, Profit or Advantage. — *Walterus Cantuar. Archiepiscopus ad feodi-firmam tradidit Johanni de Bosham, terras vocatas la Wardland, in Villa de Wymbleadone, — cum omnibus suis utilitatibus ac avantagiis inde provenientibus.* Dat. 24 Feb. 11 Ed. 2. Regift. Eccl. Christi Cantuar. MS.

Auctionarii, Auctionarii, Sellers, Regraters, Retailers. — *Dicunt etiam quod in domibus illis apud shales, sunt manentes Diflores & Braciatores Auctionarii & Auctionatres panis, cervisiae, & aliarum rerum.* Plac. Par. 18 Ed. 1.

Audiendo & terminando, Is a Writ, but more properly a Commission, directed to certain Persons, when any riotous Assembly, Insurrection, or heinous Misdemeanor or Trespass is committed against any place, for the Appealing and punishment thereof; which you may read at large in *F.N.B. f. 110.* See *Oyer and Terminar*.

Audience Court, *Curia Audientia Cantuariensis*, Is a Court belonging to the Archbishop of *Canterbury*, of equal Authority with the *Arches Court*, tho' inferior both in Dignity and Antiquity: The Original of this Court was, because the Archbishop of *Canterbury* heard many Causes extrajudicially at Home in his own Palace, in which, before he would finally determine any thing, he did usually commit them to be discuss'd by certain Men learned in the Civil and Canon Laws, whom thereupon he term'd his Auditors; and so in time it grew to one special Man, who at this day is call'd (*Causarum negotiorumque audientia Cantuariensis auditor officialis*.) And with this Office was join'd heretofore the Chancery of the Archbishop, which medleth not with any point of contentious Jurisdiction; that is, deciding of Causes between Party and Party, (except such as are ventilated *pro forma* only, as the Confirmation of Bishops Elections, or such like) but only of Office, and especially such as are *Voluntaria jurisdictionis*, as the granting the Custody of Spiritualities, during the Vacation of Bishopsricks, Institutions to Benefices, Dispensing with Banes of Matrimony, &c. But this is now distinguish'd from the Audience. Of this Audience Court, you may read more in the Book *De Antiquit. Eccl. Brit. Hist.* and 4. *Inst. fol. 337.*

Audita querela, Is a Writ that lieth against him, who, having taken a Statute-Merchant, or Recognisance, in the nature of Statute-Staple, or a Judgment or Recognisance of another, and craving, or having obtain'd Execution of the same from the Mayor and Bayliffs, before whom it was entred, at the Complaint of the Party, who entred the same, upon Suggestion of some just Cause, why Execution should not be granted, as a Release, or other Exception. This Writ is granted by the Lord Chancellor of England, upon view of the Exception suggested, to the Justices of either

Bench, willing them to grant Summons to the County where the Creditor is, for his Appearance at a certain day before them. *Old. Nat. Brev. fol. 66. and Fitz. Nat. Brev. fol. 102.*

Auditor, (*Auditor*) According to our Law, is an Officer of the King, or some other great Person, which yearly, by examining the Accounts of all Under-Officers accountable, makes up a General Book; which shews the difference between their Receipts and Charge, and their Allowances, commonly term'd *Allocaciones*: As namely, the Auditors of the Exchequer take the Accounts of those Receivers, who collect the Revenues of the Augmentation, as also of the Sheriffs, Escheators, Collectors and Customs, and set them down, and perfect them; concerning which, see the Stat. 33 H. 8. cap. 33. and 4. *Inst. fol. 106.*

Auditors, *Conventual, Collegiate, &c.* The Religious had their Auditors, or Stated Officers appointed to examine and pass the House Accounts. Hence the *Auditory*, *Auditor-house*, *Audit-time*, in Cathedral and Collegiate Bodies.

Auditors of the Wards or Imprests, Are also Officers in the Exchequer, who take and make up the great Accounts of Ireland, Berwick, the Mint, and of any Money imprested to any Man for the King's Service. See *Præfice of the Exchequer*, p. 83.

Auditor of the Receipts, Is also an Officer of the Exchequer, that files the Tellers Bills, and makes an Entry of them, and gives the Lord Treasurer a Certificate of the Money receiv'd the week before. He maketh Debenture to every Teller, before they pay any Money, and taketh their Accounts: He keepeth the *Black Book of Receipts*, and the *Treasurers Key* of the Treasury, and seeth every Teller's Money lockt up in the New Treasury.

Adventure, (But more properly *Adventure*) Is a Misfortune, causing the death of a Man, without Felony; as when he is suddenly drowned or burnt, falling into the Water or Fire, or kill'd by any Disease or Misfortune, *Briton. cap. 7.* where you may see how it differs from *Misadventure*. See *Misadventure*.

Avenage, (From the Latine *Avena*, Oats) Signifies a certain quantity of Oats paid to a Landlord in lieu of some other Duties, or, as a Rent from the Tenant.

Avenor, Is an Officer belonging to the King's Stables, and provides Oats for his Horses: He is mention'd 13 Car. 2. cap. 8.

Adventure, Voluntary Feats, or Adventures, or Trials of Skill at Arms. — *Nulli convenient ad Turniandum vel Burdandum, nec ad alias quascunque Aventuras, — Assisa de Armis, 36 Hen. 3. Brady Hist. Engl. Append. p. 250.*

Avera, Is found in *Dooms-day Book*, and signifies a Days-work of a Plough-man, that is, eight pence; 4. *Inst. fol. 269.*

Average, (*Averagium*) By Mr. Skene's Opinion, is derived from the word *Averia*, Cattel, and consequently signifies Service, which the Tenant owes to the Lord by Horse, or carriage of Horse. It seemeth with us to have two significations: First, *Rassal, tit. Exposition of words*, maketh mention of the King's *Averages*, which I take to be the King's Carriages by Horse or Cart. Then, anno 32 H. cap. 14. and 1 Jac. cap. 32. it is used for a certain Contribution that Merchants and others, do make proportionably towards their Losses, who have their Goods cast into the Sea, for the Safeguard of the Ship, or of the other Goods and Lives of them in the Ship, in the time of a Tempest. And this Contribution seemeth to be so call'd, because it is proportion'd after the rate of every Man's *Average*, or Goods carried. In this last Sense it is also used in the Stat. 14 Car. 2. cap. 27. *Average*, is also a little Dury, which those Merchants, who send Goods

in another Man's Ship, do pay the Master of it, for his care over and besides the Freight: For in the Bills of Lading, they usually say, — *Paying so much Freight for the said Goods, with Primage and Average accustomed.*

Average of Corn-Fields. In the North they use this word *Average*, for what in *Kent* they call the *Gratten*, in other parts the *Eddish*, in *Wales* the *Adlugh*, in some Counties the *Roughings*; i. e. the Stubble or remainder of Straw and Grass left in Corn-Fields, after the Harvest is carried in.

Averare. This *Spelman* interprets to carry Goods in a Waggon, or upon loaded Horses; a Duty requir'd of some customary Tenants. But I question whether it did not sometime signifie to drive *Averia*, Cattle, to some Fair or Market. — *Omnes homines (i. e. de Kyngdon) debent ter averare ad Bristolium.* Cartular. Glaston. MS. f. 4.

Averrare. To the like purpose. — *debent fruges domini metere, prata falcare, & carriare & averrare.* — Cartular. ib. p. 39.

Aver-Corn. A reserved Rent in Corn, paid to Religious Houses, by their Farmers or Tenants; which Mr. *Samner* deduces from the Fr. *Ovre*, or *Ovrage*, as if Corn drawn to the Lord's Granary by the working Cattle of the Tenant. But it seems more natural (like *Averia*) from *Avair*, to have or receive such a quantity of Corn. I suppose the custom owing to the Saxon *Cyriac-Sceat*, Church-Seed, a Measure of Corn brought to the Priest on St. Martin's day, as an Oblation for the first Fruits of the Earth. Under which title the Religious had a Corn-rent paid yearly, as in an Inquisition of the Estate of the Abby of *Glastenbury*, A. D. 1201. — *Waltone reddit in gubulo assiso in lib. xvi fol. — de Church Seed vel dua summe & dimid. frumenti.* Cartular. Glaston. MS. f. 38. which Church-Seed, by a Norman Epithet, might easily in some parts be call'd *Aver-Corn*, especially in *Kent*, where by composition the Tenants of *Mensire*, were to pay to the Abbat and Convent of St. *Ansins*, their *Aver-corn* in a certain and determin'd Measure, A. D. 1263. — *Noverint universi, quod cum temporibus renovatis quidam Tenentes Abbatibus Sancti Augustini, in manerio de Merstre, quadam servitium annuum quod Aver-corn vocatur, sub mensura minus certa, &c.* Vid. Chron. W. Thorn. inter X Scriptores, col. 1912.

Aberia, Cattle. Sir Henry *Spelman* deduces the word from the French *Ovre*, Work, as if chiefly working Cattle. But more probably from *Avair*, to have or possess; the word sometime including all Personal Estate, as *Catalla* did all Goods and Chattles. In *Northumberland* they now say, a *Falſe-aver*, for a sluggish Horse, or lazy Beast. Yet the Honoured *Spelman* rather derives it from the Lat. *Affri* or *Affra*, Country-Horses, and cites the said Northern Proverb, *A Falſe Aver* or *Aſer*. I think the word *Heifer*, to have been only a corruption of *Aver*, and to have signified at first any Beast, tho' now restrain'd to the younger kind.

Avertis captis in Wiltthernam. Is a Writ, for the taking of Cattel to his use, that hath his Cattel unlawfully taken by another, and driven out of the County where they were taken, that they cannot be replevied, Reg. Orig. fol. 82. When one Beast is spoken of, we say, *Quidam equus vel bos*; but when more, it is not said in the plural number, *Equi* or *Boves*, but *Tot Averia*.

Averment, Verificatio. Cometh from the French *Averrer*, i. e. *Testari*, signifies commonly an Offer of the Defendant, to make good or justify an Exception pleaded in abatement, or bar of the Plaintiffs Action; and there is reason, why it would rather signifie the Aſſertion, than the Offer of justifying the Exception. For, Anno 34 Ed. 1. Stat. 2. And the Demandant will offer

to aver by the Affise or Jury, where to offer to averre, and to averre must needs differ: And again in the same Statute, And the Demandant will offer to aver by the Country, &c. Thirdly, In the English Nat. Bre. fol. 57. These Errors shall be tried by Averment, &c. This Averment is twofold, General and Particular; a General Averment, which concludes every Plea, &c. or in Bar of Replication and other Pleadings, containing matters Affirmative, ought to be Averred, with these words, *Et hoc paratus est verificare, &c.* Particular Averment, is when the Life of Tenant for Life, or Tenant in Tail is Averred, &c. And an Averment contains as well the Matter as the Form thereof, Co. on Lit. fol. 362. b.

Averpeny, (quasi Average-peny) Is Money contributed towards the King's *Averages*, or to be freed thereof, *Raſſal Expoſ. verb.* *Aver-peny, est quietum esse de diverſis denariis pro Averagiis Dom. Reg.* See *Average*.

Averſilver. — *Rogerus Prior, & Capitulum Ecclesie Christi Cantuar. quieto clamant Magistrum, & Fratres Hospitalis St. Marie de Oſprens, de consuetudinibus subscriptis videlicet de Arura Hate-wite, Ripeſelver, Wood-lade, Heylode, Averſelver, Lambſelver, — qua consuetudines fieri solent in curia de Adelham.* Dar. Mens. Feb. 1242. Reg. Eccl. Chr. Cant. MS.

Augmentation, Augmentatio. Was the Name of a Court, erected 27 H. 8. as appeareth by the 27th Chap. of that Year's Parliament; and the end thereof was, That the King might be justly dealt with, touching the Profit of such Religious Houses, and their Lands, as were given to him by Act of Parliament the same Year, not printed: For the dissolving of which Court, Authority was given to Queen *Mary*, by the Parliament held the First Year of her Reign, *Seſſ. 2. cap. 10.* which she afterward put in execution by her Letters Patent. The Name of the Court sprung from hence, That the Revenues of the Crown were augmented so much by the Suppression of the said Houses, as the King reserved unto the Crown, and neither gave nor sold away to others. But the Office of *Augmentation* remains to this day, wherein there are many Records of great Use and Importance.

Avilage. See *Avange*.

Aviſamentum. Advice, Counsel. — *de aviſamento & consensu consilii nostri concessimus*, was the common Form of our Kings Grants.

Aulneger. See *Alneger*.

Aumone, (French Aumone, that is, Alms) Tenure in *Aumone*, is a Tenure per liberam Eleemoſynam, *Briton*, fol. 164. As where Lands are given to some Church, or Religious House, upon condition, That some Service or Prayers shall be offer'd at certain times, for the good of the Donor's Soul. See *Frank almoine*.

Aumonier. French *Aumonier*. Vid. *Almoner*.

Ave, Is the Name of a Writ, for which see *Ayle*.

Averium ponderis. Full weight, or *Aver de Pois*. — *de quolibet panno sine grano, & de quolibet libra de averio ponderis, tres denarios.* Cart. 3 Ed. 2.

Augea, A Cistern for Water. — *A. D. 1451. 20 Sept. Episcopus Batho Well, concedit Civibus Wellensibus unum caput pro conductu aquatio cum augeis suspiralibus, & ceteris machinis, sub & supra terraneis — primum caput est Augea, in quo tota aqua nostra recipitur, sicut rotunda in latitudine infra muros decem pedum de petra calce, vel alia materia cum pipis ex utraque parte dicta Augea, sive Cisterna annexis.* Reg. Eccl. Well. MS.

Auncel-weight. Is as if we should say, *Hand-sale-weight*; being a kind of Weight with Scales hanging, or Hooks fastened to each end of a Staff, which a Man lifting up upon his Fore-Finger, or Hand, discerneth the quality or difference between the weight, and the thing weighed. In which, because there was wont to be great deceit, it was forbidden by several Statutes, as 25 E. 3. Stat. 5. cap. 9. and 34 E. 3. cap. 5. and 8 H. 6. cap.

cap. 4. and the even Ballance commanded; yet nevertheless this weight continued in use in divers parts of England, notwithstanding the Constitution of Henry Chicheley, Archbishop of Canterbury, 1430. *Pro abolitioe ponderis vocati, Le Auncel-weight, &c. qui utitur Excommunicandus*; but now it is utterly abolished by a late Statute made 22 Car. 2. cap. ult. A. D. 1474. Among the Anathemas publicly denounc'd against all false dealers and deceivers, — 'Alle thei that use false weyghtes or false mesures, and in especial alle they that use a weyghte that is cauled Auncell, shafte or poundre, or hoolde or keepe that weyghte prively or openly. Reg. Eccl. Bacho-Well MS.

Auncient Demefue. See *Ancient Demefue*.

Avowancer. Hoth a double signification; the one, when a Benefice becomes void of an Incumbent; the other, when we say in Pleadings in Chancery, *confessed, or avoided, traversed, or denied is true, &c.* See *Vindicta*.

Avower, Advocatus. See *Advowee*: Britton, cap. 29. faith, That *Avowee* is he whom the Right of *Advowson* of any Church appertaineth, so that he may present in his own Name: And is call'd *Avowee*, for a difference from those that sometimes present in another's Name; as a Guardian, that presenteth in the Name of his Ward: And for a Difference also from those, which have the Lands, whereto an *Advowson* appertaineth, but only for term of their Lives, of Years, or by Intrusion, or by Disseisin.

Avowry. Is where one takes a Distress for Rent, or other thing, and the other sues *Replevin*, then the taker shall justify his Plea for what cause he took it; and if in his own Right, he ought to shew it, and avow the taking. But if he took it in the right of another, then when he has shew'd the cause, he shall make Cognizance of the taking, as Bayliff or Servant to him, in whose right he did it: *Termes de Ley*, 73. & 21 H. 8. cap. 19. For the more speedy and effectual proceeding upon Distresses and Avowries, see 17 Car. 2. cap. 7.

Avoir du pois. It is in true French *Avoir due poix*; that is, *Habere pondus, or just esse ponderis*. In Law it signifies two things: First, a kind of Weight diverse from that which is call'd *Troy-weight*, containing twelve Ounces to the Pound, whereas this containeth sixteen. And in this respect it may probably be conjectured, That it is so call'd, because it contains a greater weight than the other. Secondly, it significeth such Merchandise as are weigh'd by this weight, and not by *Troy-weight*, as in the Statute of York, 9 E. 3. in *Proamio*, 27 E. 3. Stat. 2. cap. 10. 2 R. 2. cap. 1. See *Weights*.

Aurum Reginae. The Queen's Gold, *Rat. Pat.* 52 H. 3. m. 6. Vid. *Queen's Gold*.

Austurcus. A Goshawk: In some Deeds there is reserved as a Rent to the Lord, *unum Austurcum*.

Awaprit. 13 R. 2. cap. 1. Seems to be that which we now call *Way-laying*, or lying in wait to do a Mischief.

Award. May be derived from the French *Awarder*, and is properly the Judgment of one that is neither assigned by Law, nor appointed by the Judges, for the ending a Matter in controversy, but is chosen by the Parties themselves that are at variance. And may seem to be call'd an *Award*, because it is impos'd on both Parties, *ad custodiendum seu observandum*. Spelm.

Awme. Mention'd 1 Jac. cap. 33. and 12 Car. 2. cap. 4. Is a Measure of Rhenish-wine, containing forty Gallons; yet you may read in an old Printed Book these words, — *The Rood of Rhenish-wine of Dordrecht is ten Awames, and every Awame is fifty Gallons*. Item, *the Rood of Antwerpe is fourteen Awames, and every Awame is thirty five Gallons*.

Awning. A Canopy supported by Iron Staves, hanging over a Boat or pair of Ours in the River Thames. It is the common word us'd by the Sea-men for the Sail

in hot calm weather, set transverse over the Deck for Shade.

Aurilium ad filium militem faciendum & filium maritandum. Is a Writ formerly directed to every County, where the King, or other Lord, hath Tenants, to levy of them reasonable Aide towards the Knighting of his Son, and Marriage of his Daughter. See *Aide*, and *F. N. B.* fol. 82. But this is utterly taken away by a Statute made 12 Car. 2. cap. 24.

Aurilium Curie. A Precept or Order of Court, for the citing or convening of one Party at the Suit of another. — *vocat inde at Warantiam Johannem Sutton de Dudley Chivaler, & Isabelam Uxorem, ut habeat eos hic in Officio S. Michaelis, per auxilium Curie*. Paroch. Antiq. p. 477.

Aurilium facere alicui in Curia Regis. To be another's Friend and Solicitor in the King's Court; a Fiduciary Office solemnly undertaken by some Courtiers, for their Dependents in the Country. — *Sciunt presentes & futuri, quod Ego Bernardus de S. Walericis, concessi Rogero de Berkley & heredibus suis auxilium & consilium meum in Curia domini mei Regis Anglie*. Paroch. Antiq. p. 125. Vid. *Ayde*.

Aurilium petere. To pray, aid, or suit in a Cause; i. e. when an inferior Tenant is Impleaded, and not capable to defend the Right in his own Name, he prayeth Aid of the superior Lord, to assist and justify his Plea. — *Johannes de Buzillo implacatus de Mamerio de Pidington, — dicit quod Ipse non potest predicto Priori sine ipso Domino Rege responderet, & petit auxilium de ipso Domino Rege*. Paroch. Antiq. p. 414. So the Incumbent pray'd Aid of the Patron of the Church, in a Cause that affected a larger portion of Tythes. Vid. *Ayde*.

Aurilium Regis. King's Aid, or Money levy'd for the King's use, and publick Service. Vid. *Scutagium*.

Aurilium Vicecomitum. The Aid or customary Dues paid to the Sheriff, for the better support of his Office. *Prior de Kime Com. Linc. tenet duas carucas terras in Thorpe per servitium xl denariorum per annum, ad auxilium Vicecomitis*. Mon. Angl. Tom. 2. p. 245. An Exemption from this Duty was sometime granted by the King, as a special Privilege.

Ayde. Is where a particular Proprietor is impleaded, and not being able to defend the thing for which he is impleaded, he prayeth Ayde of some better able; which is performed two ways: First, In a Plea real, *Tenens petit auxilium de A. S. sine quo respondere non potest*. Secondly, in a Plea personal, and then the Defendant *Petit auxilium ad manutenendum exitum*.

Azalbus. A sort of poor Horse or Jade. — *Affri, Azaldi, & alii Equi minores valoris amovendi sunt a foresta de Englewode*. Claus. 4. Ed. 3.

Azopium. Azure-colour. — *Qui ibidem fodientes lapidem non modicum inventum revolverunt, sub quo loculum ligneum conspicati, convocatis Priore ac Conventu ipsum aperuit interius undique depictum, medietas cum verniculo, altera medietas cum azorio, & literas, &c.* Abbat. Glaston. MS.

B.

Bar. An ancient sort of Vessel, or transport Ship. — *Willielmus filius Willielmi Bek, tenet terram suam in Levingburn per Serjantiam, invenienti ad transfretationem Domini Regis unam Navem, que vocatur Baard, versus Vasconiam sumptibus suis propriis*. Tenures, p. 62.

Baca. A Hook or Link of Iron, or Staple. — *In axibus emptis & carrellis axandis novem denarios, in colariis, bacis, & sellis ad idem emptis xlii den.* — Con.

—*Consuetudinarium domus de Farendon MS. penes. Wh. Kennet f. 20.*

Barberinde, Is a Saxon word, and almost good English at this day, signifying so much as bearing upon the Back, or about a Man. *Bracton* useth it for a sign or circumstance of Theft apparent, which the Civilians call *Furtum manifestum*; for dividing *Furtum* into *manifestum*, & *non manifestum*, he defineth *Furtum manifestum* in this sort; *Furtum vero manifestum est, ubi latro deprehensus est seissus de aliquo larcinio, scil. Handhabend, & Backberinde, & insequutus fuerit per aliquem cujus res illa fuerit, Lib. 3. Tract. 2. Cap. 32.* *Manwood* in his *Forest-Law*, Part. 2. noteth it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Offendor against *Vert* or *Venison*, in the Forest. For by the Assise of the Forest of *Lancaster* (saith he) taken with the manner, is when one is found in the King's Forest in any of these four degrees, *viz. Stable-stand, Dog-draw, Backbear, and Bloody-hand*; in which place you may find all these interpreted.

Bachelor, *Bachelaria*. The Commonalty as distinguished from Baronage. — *Festivitate S. Edmundi Regis & Confessoris, in quindenam S. Michaelis apud Westmonasterium per Dominum Regem regulariter celebrata Communitas Bachelaria Anglie significavit Domino Edwardo filio Regis, &c. Annal. Burton, p. 426. sub an. 1259.*

Bachelor, *Baccalaureus*, Cometh of the French word *Bachelier*; that is, *Tyro*, a Learner: and thereupon I gather, those that be call'd Bachelors of the Companies of London, be such of each Company, as are springing towards the Estate of those that are employ'd in Council, but as yet are Inferiour. For every of the Twelve Companies hath a Master, two Wardens, the Livery, and the Bachelors. I have read in an old Monument, this word *Bachelor* attributed to the Lord Admiral of England, if he be under a Baron. This word is us'd, 13 R. 2. Stat. 2. c. 1. and signifieth the same with Knight-Bachelor, 3 E. 4. ca. 5. that is, a Simple-Knight, and not a Knight-Baneret. Touching the farther Etymology of this word, *Baccalaurei* (teste *Renano*) à bacillo nominati sunt, quia primi studii auctoritatem que per exhibitionem baculi concedebatur jam consecuti fuissent, &c.

Bacina, A Bason. — *Duos margines de duabus marcis argenti, & duas bacinas argenti de sex marcis, duo candelabra de sedecim marcis* — *Hist. Elien. à D. Gale edita. p. 623.* In the Inquisition of Serjancies, and Knights Fees within the Counties of *Essex* and *Hertford*, An. 12 & 13 R. Joh. — *Petrus filius Petri Picot, tenet medietatem Heydene per Serjantiam serviendi de Bacinis, i. e. by the Service of holding the Bason, or waiting on the Bason, on the day of the King's Coronation. Lib. Rub. Scaccar. f. 137.*

Baco, A Hog, a fat Hog, a Bacon-Hog. The word very often occurs in our Charters, and other Muniments.

Battile, A Candle-stick, properly so call'd, when formerly made *ex baculo*, of Wood, or a Stick. — *Hugo Episcopus Dunelmensis fecit in Ecclesia coram Altari tria ex argento bacilla — in quibus lumina die nocteque perpetuo ardentia lucerent.* *Coldingham Hist. Dunelm. apud Wharton Ang. Sac. P. 1. p. 723.*

Badger, Cometh from the French *Bagage*; that is, *Sarcinia*, a bundle or furdell: and thence is derived *Bagagier*, a Carrier of bundles: It is us'd with us for one that is licensed to buy Corn, or other Vintuals in one place, and carry them to another to sell; and such a one is exempted in the Statute made in the 5 and 6 of Ed. 6. cap. 14. from the punishment of an Ingrosser within that Statute. See *Crompton's Just. of Peace*, fol. 69, 70.

Baga, A Bag, or Purse. — *Carta Decani*

Ecclesie Lichfield, in Mon. Angl. tom. 3. p. 237. duascentas marcas pecunie in quadam бага de Whalley

Baiardour, A Carrier, or Bearer of any weight or burden; Lat. *Bajulator*. Whence our *Badgers* or Carriers of Corn from one Market to another. — *offerebant duos Incisores in suo lapicidina, & caviarium petra usque ad navim, & de navis usque duos Baiardours servituros ad Ecclesiam, Petr. Bles. Contin. Hist. Croyland. p. 120.*

Bay, or **Penn**, Is a Pond-head made up of a great height, to keep in store of Water, so that the wheel of the Furnace, or Hammer belonging to an Iron-Mill, may stand under them, and be driven by the Water coming out of them by a passage or Floodgate, call'd the *Penstock*, and falling upon the said wheels. This word is mention'd in the Stat. 27 Eliz. cap. 19.

Baile, (*Ballium*, *plevina*, *manucriptio*) Cometh of the French (*bailler*, *tradere*). It is us'd in our Common-Law properly for the freeing or setting at liberty of one arrested, or imprisoned upon Action, either Civil or Criminal, under Surety taken for his Appearance at a day and place certainly assigned, *Bract. lib. 3. tract. 2. cap. 8. num. 8 & 9.* The reason why it is call'd *Bayle*, is, because by this means the Party restrain'd is delivered into the hands of those that bind themselves for his forth-coming: There is both Common and Special *Bail*; Common *Bail*, is in Actions of small concernment; and is call'd Common, because any Sureties in that case are taken; whereas upon Causes of greater weight, or apparent specialty, Special *Bail* or Surety must be taken, as *Subsidy-men* at the least, and that to the value. *Manwood* in his *Forest-Laws*, Part. 1. p. 167. makes a great difference between *Bail* and *Mainprise*; saying, He that is *mainprised*, is always said to be at large, and to go at his own liberty out of War, after that he is let to *Mainprise*, until the day of his Appearance, by reason of the said Common Summons, or otherwise: But it is not so, where a Man is let to *Bail* by four or two Men, by the Lord Chief Justice in *Eyre* of the Forest, until a certain day, for there he is always accounted by the Law, to be in their Ward and Custody for the time: And they may, if they will, keep him in Prison, or Ward during that time. So that he which is so bailed, shall not be said by the Law to be at large, or at his own Liberty. See *Lam. Eiren. lib. 3. cap. 2. pag. 330.* *Bail* is also a certain limit within the Forest, according as the Forest is divided into the particular charges of several Foresters, *Crompt. in the Oath of Bow-bearer, fol. 201.* See *Mainprise*, and 4 *Iust. fol. 178.*

Bailment, Is a Delivery of things, whether Writings, Goods, &c. to another, sometimes to be deliver'd back to the Bailor; that is, to him that so deliver'd it: sometimes to the use of the Bailee, that is, of him to whom it is delivered; and sometimes also it is deliver'd to a third Person: This Delivery is call'd a *Bailment*.

Bayliff, (*Ballivus*) Cometh from the French word *Bayliff*, that is, *Præfellus Provincie*, and as the Name, so the Office it self in ancient time was answerable to that of France and Normandy: For as in France there be several Parliaments, which being Courts, from which lies no Appeal, and within the Precincts of the several Parts of that Kingdom, that belong to each Parliament, there be several Provinces, unto which, within themselves, Justice is Ministr'd by certain Officers call'd *Bailiffs*. So in England we see many several Counties or Shires, within the which Justice hath been Ministr'd to the Inhabitants of each County, by the Officer whom we now call *Sheriff* or *Viccount*; the one of which Names descends from the Saxons, the other from the Normans. And I cannot expressly prove, That this *Sheriff* was ever call'd a *Bailiff*; yet it is probable, that might had been one of his Names, because the County is many times

times call'd *Balliva*, a Bayliwick: As in Return of a Writ, where the Person is not arrested, he saith, *Infra nominatus A. B. non est inventus in balliva mea*, *Kitchin Ret. Brev. fol. 287.* And again, in *Brañon, lib. 3. tract. 2. cap. 33. num. 3.* and *5 Eliz. 23.* and *14 E. 3. Stat. 1. cap. 6.* And, I think the word Bayliiff us'd *cap. 28. of Magna Charta*, compriseth as well Sheriffs, as Bayliffs of Hundreds. So *14 E. 3. Stat. 1. cap. 9.* But as the Realm is divided into Counties, so every County is again divided into Hundreds, within which it is manifest, That formerly the King's Subjects had Justice ministred to them by the several Officers of every Hundred, which were call'd Bayliffs. See *Lupanus de Magistrat. Francor. lib. 2. cap. Ballivi.* And the Grand Customary of *Normandy, cap. 1.* And the truth hereof *Brañon* attests, *lib. 3. tract. 2. cap. 34. num. 5.* Where it appeareth, That Bayliffs of Hundreds might hold Pleas of Appeal and Approvers. But since that time, these Hundred-Courts (certain Franchises excepted) are by the Statute of *14 E. 3. Stat. 1. cap. 9.* dissolv'd into the County-Courts, as you read in County and Hundred. And the Bayliff's Name and Office is grown into such contempt, that now they are only Officers to serve Writs, and do such base Offices within their Liberties, *Crompt. Just. of Peace, fol. 49. a.* Yet is the Name still in good esteem otherwise, for the Chief Magistrates in divers Towns be call'd Bayliffs; as in *Ipswich, Yarmouth, Colchester*, and other places: And there be other to whom the King gives the Custody of his Castles, which are call'd Bayliffs, as the Bayliiff of *Bever Castle*.

These ordinary Bayliffs are of two sorts; Bayliffs Errants, and Bayliffs of Franchises: Bayliffs Errants, *Ballivi Itinerantes*, be those which the Sheriff maketh, and appointeth to go hither and thither in the County to serve Writs, to summon the County, Sessions, Assizes, and such like. Bayliffs of Franchises, *Ballivi Franchisarum aut Libertatum*, be those that be appointed by every Lord within his Liberty, to do such Offices within his Precincts, as the Bayliiff Errant doth at large in the County. Of these, read *Sir Thomas Smith, De Rep. Angl. lib. 2. cap. 16.* There be also Bayliffs of the Forest, *Mauwood, part 1. pag. 113.* There be likewise Bayliffs of Husbandry, belonging to private Men of great Substance, who seem to be so call'd, because they dispose of the Under-Servants, every Man to his Labour and Task, check them for misdoing their Business, gather the Profits to their Lord and Master, and deliver an Account for the same at the Year's end, or otherwise, as it shall be call'd for. The Office or Duty of a Bayliiff of a Manor, or Household, (which in ancient time seemeth to have been all one) *Fleta* well describeth, *lib. 2. cap. 172. 73.* This word is also us'd in the Canon-Law, *cap. Dilcto de sent. Excom. in sexto, & c. 1. de pnis in element.* where the Glossographer saith, It is a French word, signifying as much as *Proprius*; and *Balliva* and *Ballivatus* is us'd among our Interpreters of the Civil and Canon Law for *Provincia*, as *Balliva* here with us in England, is taken for a County or Shire.

Bayliiff of the Foot. See *Foot*.

Bairman, A poor insolvent Creditor left bare and naked. — *Stat. Will. Reg. Scot. cap. 17.* *Bairman, qui debet fieri, jurabit in Curia quod nihil habet ultra 5 solidos & 5 denarios.*

Bale, A Pack, or quantity of Goods or Merchandise; as a Bale of Silk, Cloth, &c. The word is us'd in *16 R. 2. cap. 1.* and still in use.

Balenger, By the Statute of *28 H. 6. cap. 5.* seems to be a kind of Barge, Boat, or Water-Vessel.

Baleuga, A Territory or Precinct. — *Cum tali libertate quod per totam Baleugam possit capere forestium suum.* Carta Hen. 2. recorded in the Dutchy-Office. See *Bannum* and *Banleucum*.

Balistrarius, A Balistar, or Cross bow Man.

Gerard de la Wair is recorded to have been *Balistrarius Domini Regis.* 28, 29 Hen. 3. n. 25. So *Walterus de Moseley, Com. Surr. tenet terras per Servantiam existendi Balistrarius Domini Regis in exercitu suo, per 21 dies, Anno 32 H. 3.*

Ballance of Trade, A Computing the value of all Commodities which we buy from Foreigners, and on the other side, the value of our Native Productions, and over-plus of Foreign Goods, which we export into Neighbour-Nations. And the difference or excess between the one side and the other of such Account or Reckoning, is call'd *The Ballance of Trade*. Which excess can be answer'd by us in nothing but our Coyn or Bullion. The over-plus of Goods brought from our Colonies in *America*, and other Foreign parts, with which we supply'd our Neighbours, did in time of Peace at least ballance our Trade.

Balliva. In the Statute of *Malbridge, 52 H. 3. cap. 2.* it is said, — *ubi Ballivam habent vel Jurisdictionem.* Here *Balliva* is well expounded by the Statute it self; for in this place it signifies Jurisdiction, *Co. Inst. fol. 105.*

Ballivo amovendo, Is a Writ to remove a Bayliiff out of his Office, for want of sufficient living in his *Balliwick*, *Reg. Orig. fol. 78.*

Balkerg, or *Walkorg*. See *Conders*.

Balliva, A Bayliwick; from the French *Bailler*, to deliver, or commit. *Ballivus* was the Person to whom an Authority or Trust was committed within such a District. *Balliva* was the whole District, within which the said Trust was to be executed. A whole County was so call'd, in respect of the Sheriff, *infra Balliviam suam*. A whole Barony, in respect of the Lord or Baron; a Hundred, in respect to the Chief Constable; a Mannor, in respect of the Steward: a Circuit of Villages and Hamlets, with respect the Capital-Mannor.

Ballium, Bail, or Delivery out of the hands of a proper Bayliiff or Keeper, of the Goods to deliver'd. — *Carta Felonum per visum & ballium Coronatorum trudentur.* Cart. 3 Ed. 1. ex Cartular. Radinges, MS. fol. 156. b.

Balls. It hath been sometimes the English Custom to cast Lots by Balls. As *A. D. 1593. 14 Apr. Decanus Ecclesie Willensis & Canonici Residentiarii miserunt Sortes pro Beneficiis, communiter nuncupat.* *Balls*. Registr. Cartar. penes Decan. & Capit. Well.

Ban or *Banns*, *Bannum*, signifieth a publick Notice given of any thing. The word is ordinary among the Feudists, and grown from thence to other uses; as to that which we here in England call a Proclamation, whereby any thing is publickly commanded or forbidden: *Vincent. de Franchis, de scis 251, & 260. Hottoman verbo Bannus, in verbis Feudalibus*, saith, That there is both *Bonnus* and *Bannum*, and that they signifie two divers things. But in England we use this word *Bann*, especially in publishing of Matrimonial Contrasts in the Church, before Marriage. That if a Man can say ought against the intention of the Parties, either in respect of Kindred, Precontract, or otherwise, they may take their Exception in time. And in the Canon-Law, *Banna sunt Proclamationes Sponsi & Sponse, in Ecclesiis fieri solite, Cap. 27. Extra de spons. &c.* Yet our word *Banning* seems to come from thence, being an Exclamation against, or Cursing of another. *Brañon* in one place mentions *Bannus Regis*, for a Proclamation, or Silence made in Court by the Crier, before the meeting of Champions to a Combat, *Lib. 3. tract. 2. cap. 21.* In *terra ditionis sue Bannum*, id est, *interdictum misit, quod est Prohibitio, &c.* *Histor. Norman. Edit. 1619. Fol. 89. b.*

Bandoze, A Musical sort of Instrument with Strings, first invented by *John Rose* Citizen of London, living in *Bridewell*, the 4th of Qa. Elizabeth. See *Stow Annal. p. 869.*

Bane, Proceeds from the Saxon *Bana*, a Murderer, and signifies the destruction or overthrow of any thing, *Bract. lib. 3. tract. 2. cap. 1. nu. 1.* He which is the cause of another Man's Death, is said to be *le Bane*, a Malefactor. So when a Man receives a Mortal Prejudice by any thing, we commonly say, Such a thing was his *Bane*.

Baneret, *Bannerettus*, *Miles Vexillarius*, in Mr. *Skene's* Opinion seemeth to be compounded of *Banner* and *Rent*. But *Cambden* in his *Britannia*, pag. 109. derives it from the German *Banner-beyres*. Sir *Tho. Smith*, *lib. de Rep. Angl. cap. 18.* saith, That a *Baneret* is a Knight made in the Field, with the Ceremony of cutting off the point of his Standard, and making it, as it were, a Banner: And accounted so honourable, that they are allowed to display their Arms in the Field in the King's Army, as Barons do. These are *Cambden's* words, *loco supra citato*: *Banneretti, cum Vassalorum nomen jam desierat, à Baronibus secundi erant; quibus inditum nomen à Vexillo, concessum illis erat Militaris virtutis erga quadrato Vexillo, (perinde ac Barones) uti, unde & Equites Vexillarii à nonnullis vocantur, &c.* Of creating a Knight *Baneret*, read Mr. *Segar-Norrey's* his Book, *lib. 2. cap. 10.* That they be next to Barons in Dignity, appears by the Statute, 14 R. 2. 11. and by 5 R. 2. Stat. 2. cap. 4. It may be conjectured, That they were anciently call'd by Summons to the Court of Parliament. And 13 R. 2. Stat. 2. cap. 1. we find, That a *Baneret* for praying a Pardon for a Murderer, is subject to all one Punishment with a Baron. Henry the Seventh made divers *Banerets* upon the Cornish Commotion, an. 1495. See further *Selden's* Titles of Honour, fol. 799. and *Co. Infl.* 4. fol. 6.

Bank, *Bancus*, Cometh of the French *Banque*, i. e. *Mensa*. In our Common-Law, it is most usually taken for a Seat or Bench of Judgment; as *Bank le Roy*, the King's Bench; *Bank de Common Pleas*, the Bench of Common-pleas; *Kitchin*, fol. 102. call'd also in Latin *Bancus Regis*, & *Bancus communium Placitorum*, *Crompt. Just.* fol. 67 & 91. *Cambden* also in his *Brie*. calls them, *Bancum Regium*, & *Bancum Communium*: There is another sort of *Bank*, which signifies a place where a great sum of Money is let out to use, return'd by Exchange, or otherwise dispos'd to Profit. *Jus Banci*, was of old allow'd to the Judges of the Superior Courts, for Inferior Courts were not allow'd that Privilege. See *Free-bank* and *Free-bench*.

Bankers. The Usurers and Money'd Goldsmiths first got the Name of *Bankers*, in the Reign of of Ch. 2. as by the words of an Act of Parliament, An. 22, 23 Car. 2. Whereas several Persons, being Goldsmiths, and others, by taking or borrowing great Sums of Money, and lending out the same again, for extraordinary hire and profit, have gain'd and acquir'd to them selves the Reputation and Name of Bankers, &c.

Bancus, A Stall, a Bench or Table, on which Goods are expos'd to sale. As *Lib. Domsday*, — *In Eboraco Civitate* — Comes de Moritania habet ibi viro mansiones, & duos bancos in macello, & Ecclesiam Sancte Crucis.

Bancalia. Cushions, or like Coverings of ease and ornament, for Benches or other Seats. — *Prior Eliensis contulit unum dorsale magnum & pulcrum, cum vaporis & bancalibus ejusdem selle* — de quibus jam sunt pro magno Altari, & Altari in Choro, & bancalia super formas in Choro sternenda in Festis principalibus. *Histor. Elien.* apud Wharton, Ang. Sac. P. 1. p. 649.

Bankrupt. *Quasi Bancus ruptus*, or *Bankrupt*; because when the Bank or Stock is broken, or exhausted, the Owner is said to be a Bankrupt. The Composition of the French word, I take to be this; *Banque*, that is, *Mensa*; and *Route*, that is, *Vestigium*, Metaphorically taken for the sign left in the Earth, of a Table once

fastened into it, and now taken away. So that the Original seemeth to be drawn from those *Roman Mensarii*, which, as appeareth by many ancient Writers, had their *Tavernas* & *Mensas*, in certain publick places, where they fled, and deceiv'd Men that had put them in trust with their Money, they left but the Signs or Carcasses behind them. But *Bankrupt* with us signifies his or her act, that having gotten other Men's Goods into his hands, hideth himself in places unknown, or in his own private House, not minding to restore to his Creditors what is due to them. In the Statute made 34 H. cap. 4. the French word *Banque Route faire*, is literally translated to make Bankrupt. And by 1 Jac. cap. 15. a Bankrupt is thus describ'd: All and every such Person using, or that shall use the Trade of Merchandise, by way of Bargaining, Exchange, Bartery, Chevisance, or otherwise in Gross, or by seeking his, her or their Trade of Living, by Buying and Selling; and being a Subject born within this Realm, or any the King's Dominions, or Denizen, who at any time since the first day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his, her, or their House or Houses, or otherwise, to absent him or her self, or take Sanctuary, or suffer him or her self willingly to be arrested for any debt or other thing not grown or due, for Money delivered, Wares sold, or any other just or lawful cause, or good consideration or purpose, or hath or will suffer him or her self to be outlawed, or yield him or her self to Prison, or willingly, or fraudulently hath, or shall procure him or her self to be arrested, or his or her Goods, Money, or Chattels to be attached or sequestered, or depart from his or her Dwelling-house, or make, or cause to be made any fraudulent Grant, or Conveyance of his, her, or their Lands, Tenement, Goods or Chattels, to the intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall, or may be defeated, or delay'd for the recovery of their just and due Debts; or being arrested for Debt, shall after his or her Arrest, lye in Prison six Months, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lye in Prison six Months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt, to all intents and purposes. But a later Act, 14 Car. 2. cap. 23. hath provided, That no Person whatsoever, who shall adventure in the East-India or Guiney-Company, or in the Royal Fishing Trade, shall be esteemed a Merchant or Trader within any Statute of Bankrupt, or lyable to the same.

Banni Nuptiales. The Banns of Matrimony. — *Benedictus de Hertespool, presentatur ad Ecclesiam de Rungeton per Priorem & Conv. Dunelm.* 3 id. Novemb. 1274. per emotionem Johannis de Baulton, qui Matrimonium contraxit cum Isabella de Alikeby, Bannis editis in facie Ecclesie, ut moris est de Goldburgh. Ex Regist. Wilt. Giffard. Archiep. Ebor.

Bannitus. The Form of Expulsion of any Member, from the University of Oxford, by affixing the Sentence in some publick places, as a Denunciation or Promulgation of it.

Bannitus. An Outlaw, or Banish'd Man — *Vobis precipimus quod eidem Cancellario ad inquirendum, arrestandum & capiendum distos Malfactores & Bannitos, &c.* Pat. 15 Ed. 3. Part. 3. dor. 8.

Bannitus foris. In the same sense as *Bannitus*, Outlaw'd, or judicially banish'd — *Ego David Filius Leolini concessi Domino Henrico Regi Anglie — quod de cetero non receptabo Udalagos, vel Forisbannitos ipsius Domini Regis, vel Baronum suorum.* Pat. 25 Hen. 3. apud Brady Hist. Angl. Append. p. 196.

Bannum, vel *Banifuga*. The utmost bounds of a Mannor or Town. So us'd 47 Hen. 3. Ret. 44. *Carra, &c.* *Notum facio, me elemosynam nostram Christo concessisse & omnibus Sanctis suis, &c.* viz. primo Terram illam à Twiwellia usque Thorney, ubi Bannum nostrum esset.

Banishment, Exilium, Abjuratio. Cometh of the French word *Banissement*, and hath a Signification known to every Man. But there be two kinds of Banishment in England; one Voluntary, and upon Oath, whereof you may read *Abjuratio*: The other upon Compulsion, for some Offence or Crime. As if a Layman succour him that having taken Sanctuary for an Offence, obstinately refuseth to abjure the Realm, he shall lose his Life and Member. If a Clerk do so, he shall be banish'd, *Stamf. Pl. Cor. fol. 117.* This punishment is also of our Modern Civilians call'd *Bannimentum*, which was anciently term'd *Deportatio*, if it were perpetual, or *Religatio in Insulam*, if for a time, *Vincent. de Francis, Pet. de Belluga in suo Speculo, fol. 125. nu. 4.*

Baratry. See *Barretor*.

Barberries, (Oxyacantha) A thorny Shrub, known to most Men to bear a Berry or Fruit red, and of a sharp Taste. These Berries, as also the Leaves of the said Tree, are medicinal, as *Gerard* sheweth in his *Herbal*, lib. 3. cap. 21. you find them among Drugs to be gathered, *Anno 1 Jac. cap. 9.*

Barbican, (Barbicanum) A Watch-Tower, or Bulwark, *Mandatum est, &c. Custodi Castri Regis & Honoris de P. quadam Barbicanum ante portam, &c. & in eodem Barbicano quandam portam cum ponte versatilibus, de novo facere, &c. T. Rege 10 Aug. Claus. 17 E. 2. m. 39.*

Barcaria, Burearia, A Barkary, or Tannhouse, or place to keep Bark for the use of Tanners. *New Book of Entries, tit. Assise, Corp. Polit. 2.*

Barcarium, Bercaria, A Berghery, a Sheep-coat; and sometimes a Sheep-walk. See *Bercaria*.

Barcarii, or rather Berquarii, May be taken for Shepherds; for we usually say, *Bercarium* a Shepherd, and both seem to come from the French word *Beragier*.

Barb, alias Beard. See *Clock*.

Bargain and Sale, As it seemeth by *West. Symb. Par. 1. Lib. 2. Sect. 436.* is properly a Contract made of Mannors, Lands, Tenements, Hereditaments, and other things, transferring the Property thereof from the Bargainor to the Barginee; whereto the Author of the New Terms of Law addeth, That it ought to be for Money; saying withal, That it is a good Contract for Land, &c. and that Fee-simple passeth thereby, tho' it be not said in the Deed, *To Have and to Hold the Land to him and his Heirs:* And tho' there be no Livery and Seisin, made by the Vendor, so it be by Deed indented, seal'd and inroll'd, either in the County where the Land lies, or within one of the King's Courts of Records at *Westminster*, within six Months after the date of the Deed, according to 27 H. 8. cap. 16.

Barillus, Barillum, A Barrel. — *Et propter hanc donationem predictus Thomas dedit unum barillum vini, &c. Cartular. Hen. de Oilly, temp. Hen. 2.*

Baron, (Baro) is a French word, and hath divers Significations here in England. First, It is taken for a Degree of Nobility next unto a Viscount, *Bract. lib. 1. cap. 8. num. 4.* saith, They are call'd *Barones, quasi rebus belli.* And in this Signification it is borrow'd from other Nations, with whom *Barones* is as much as *Provincia*, *Petr. Belluga in specul. Princip. fol. 119.* So then *Barons* seem to be such, as have the Government of Provinces, as their Fee-holden of the King; some having greater, some lesser Authority within their Territories: Yet it may be probably thought, that o' old Times here in England, the were call'd *Barones* that had such Signiories, as we now call *Court-Barons*, as they be at this day in France call'd *Seigneurs*, that have any such Mannor or Lordship. And the Learned in Antiquities have affirm'd. That soon after their Conquest, all such came to the Parliament, and sat as Peers in the Upper-House. But when by experience it appear'd, that the Parliament was too much pester'd by such multitudes, it grew to a custom, that none should come, but such

as the King for their extraordinary Wisdom and Quality, thought good to call by Writ; which Writ also then ran (*hac vice tantum.*) But then Men seeing this Estate of Nobility to be but casual, and to depend merely upon the Prince's Pleasure, they sought a more certain Hold, and obtain'd of the King Letters Patent, to settle such Honour upon them, and their Heirs male, and these were intitled *Barons by Patent, or Creation*, whose Posterity he now by Inheritance, and true Descent of Nobility, those *Barons* that be call'd *Lords of the Parliament*, of whom the King may create at his pleasure. Yet nevertheless, there are *Barons by Writ*, as well as by *Letters Patent*, and they may be discern'd by their Titles; because the *Barons by Writ* are those that to the Title of Lord, have their own Surnames annex'd, whereas *Barons by Letters Patents* are nam'd by their *Baronies*. These *Barons* which were first made by Writ, may now justly be call'd *Barons by Prescription*, for that they have continu'd *Barons* by themselves and their Ancestors, beyond the memory of Man. The Original of *Barons by Writ*, *Cambden* in his *Brit. Pa. 109.* referreth to Henry the Third. *Barons by Letters Patent, or Creation* (say our Antiquaries) commenc'd in the time of Richard the Second; the manner of whose Creation, read in *Stow's Annals*, p. 1121. *Selden's Titles of Honour*, fol. 687. *Ferne's Glory of Generosity*, p. 125, 126. *Stowe de verb. Sign. tit. Baro.* And Sir *Tho. Smith*, lib. 1. de *Rep. Ang. cap. 17.* saith, That none in England is created a Baron, unless he can dispend 1000 li. per Annum, or at least a 1000 Marks. To these *Sugar* (by Office *Norroy*) lib. 4. cap. 13. Of Honour Civil and Military, addeth a third kind of Baron, calling them *Barons by Tenures*; and those be the Bishops of the Land; all which, by virtue of Baronies annex'd to their Bishopricks, have always had place in the Upper-House of Parliament, and are term'd *Lords-Spiritual*.

Baron in the next Signification, is an Officer, as *Barons* of the *Exchequer* be to the King, of which the Principal is call'd *Lord Chief Baron* (*Capitalis Baro*) and the three other (for so many there be) are his Assitants in Causes of Justice, between the King and his Subjects, touching Causes appertaining to the *Exchequer*. The *Lord Chief Baron* is at this day the Chief Judge of the Court, and in matter of Law, Information, and Plea, answereth the Bar, and giveth Order for Judgment thereupon. He alone in the Term-time doth sit upon *Nisi prius*, that come out of the King's Remembrancers Office, or out of the Office of the Clerk of the Pleas, which cannot be dispatch'd in the Mornings for want of time. He taketh Recognizances for the King's Debts, for Appearances and observing of Orders. He taketh the Presentation of all Officers in Court under himself, and of the Mayor of London, and sees the King's Remembrancer to give them their Oaths; He taketh the Declaration of certain Receivers, Accounts of the Lands of the late Augmentation made before him by the Auditors of the Shires; and gives two Parcel makers places by virtue of his Office. The Second Baron, in the absence of the Lord Chief Baron, answers the Bar in matters aforesaid. He also taketh Recognizances for the King's Debts, Appearances, and observing of Orders: He giveth yearly the Oath to the late Mayor and Escheator of London, for the true Account of the true Profits of his Office: He taketh a Declaration of certain Receivers Accounts. He also examineth the Letters and Sums of such Sheriffs foreign Accounts, as also the Accounts of Elcheators and Collectors of Subsidies and Fifteenths, as are brought unto him by the Auditors of the Court. The Third Baron, in the absence of the other two, answereth the Bar in matters aforesaid, and taketh Recognizances as the former. He giveth yearly the Oath of the late Mayor and Gawger of London for his true accounting. He also taketh a Decla-

tion of certain Receivers Accounts, and examineth the Letters and sums of such of the former Accountants as are brought unto him. The Fourth Baron is always a Curfitor of the Court, and hath been chosen of some one of the Clerks of the Remembrancers Offices, or of the Clerks of the Pipes Offices: He at the day of Prefixion, takes Oath of all High-Sheriffs, and their Under-Sheriffs, and of all Escheators, Bayliffs, and other Accountants, for their true Accounting. He taketh the Oath of all Collectors, Controulers, Surveyors and Searchers of the Custom-Houses, that they have made true Entrances in their Books. He opposeth all Sheriffs upon their Summons in open Court: He informeth the rest of the Barons of the Course of the Court in any matters concerning the King's Prerogative: He likewise, as the other Barons, taketh the Declaration of certain receivers Accounts, and Examineth the Letters and Sums of such of the former Accountants as are brought unto him.

These Barons of the Exchequer are ancient Officers for I find them nam'd, *Westm. 2. cap. 11. Anno 13 E. 1.* and they be call'd Barons, because Barons of the Realm were wont to be employ'd in that Office, *Fleta lib. 2. cap. 24.* Sir Tho. Smith saith of them That their Office is to look to the Accounts of the Prince, and to that end they have Auditors under them, as also to decide all Causes appertaining to the King's Profits, coming into the Exchequer by any means. This is prov'd in part by the Statutes of 20 E. 3. cap. 2. 27 E. 3 Stat. 2. cap. 18. 5 R. 2. Stat. 1. cap. 9. and 12 and 14 R. 2. 11. And hereupon they have of late been Men learned in the Common Laws of the Realm, whereas in ancient time they were others, viz. *Majores & discretiores in Regno, sive de Clero essent, sive de Curia.* Ockham in his *Lubrations, De Fiscis Regii ratione.* Horne's *Mirror of Just.* saith, That the Barons were wont to be two, and they Knight. *Cap. de la place l'Eschequer.*

There are also Barons of the Cinque Ports; 31 E. 2. 3. 2. and 33 H. 8. cap. 10. which are two of every the seven Towns of *Hastings, Winchelsea, Rye, Rummey, Hithe, Dover, and Sandwich,* that have places in the Lower House, *Crompt. Jur. fol. 28.*

Baron in the third Signification, is us'd for the Husband in relation to his Wife, which is so ordinary in all Law-Books written in French, that it would be vain to mention any one.

The Chief Magistrates of London were also call'd Barons, before they were a Lord Mayor, as will appear by several ancient Charters, particularly one of H. 3. in these words, *Henricus Rex. Sciatis nos concessisse & hac presenti Charta nostra confirmasse Baronibus nostris de Civitate London, quod eligant sibi Mayer de seipfis singulis annis, &c.* See *Spelman's Gloss. at large* upon this word.

Baronet, *Baronetus*, is a Dignity or Degree of Honour, and hath precedency before *Banerets, Knights of the Bath, and Knights Bachelors,* excepting only such Banerets as are made *sub Vexillis Regiis in aperto Bello, & ipso Rege personaliter presente.* This Order was erected by King James, 1611. as may appear in *Rot. Part. 10 Jac. per 10. m. 8. & 14 Jac. Part. 2. m. 24.* with an *Habendum sibi & Moredibus masculis.* Therefore we may believe, that where the word *Baronets* is mention'd in our Old Statutes, and ancient Authors, it is mistaken for *Banerets*, 2. *Inst. fol. 667.* And *Seldens* Titles of Honour, fol. 736.

Barony, (*Baronia, Baronagium*,) is that Honour that gives Title to a Baron, under which Notion are contain'd not only the Fees and Lands of Temporal Barons, but of Bishops, who have two Estates, one as they are Spiritual Men, without Possession, as was the Tribe of Levi among the *Israelites*, being sustain'd only by the First-Fruits and Tenths of the other Tribes,

Josh. ca. 13. ver. 14. The other respect they have groweth from the Bounty of our English Kings, whereby they have Baronies at the least, and by that are Lords of Parliament. This Barony (according to *Recess. lib. 2. cap. 34.*) is a right invisible, and therefore if an Inheritance to divided among Coparceners, tho' some Capital Messuages may be divided, yet, *Si capitale Messuagium sit caput Comitatus, vel caput Baronie:* he saith They may not be parcell'd. The reason is, *Ne sic caput per plures particulas dividatur, & plura Jura Comitatus & Baroniarum deveniant ad nihilum, per quod deficiat regnum, quod ex Comitatus & Baronibus dicitur esse constitutum.* There are other Barons which bear that Title to this day, but are no Barons of Parliament. Such were those constituted by *Hugh Lupus* Earl of Chester, in the County Palatine there; as the Baron of *Malpas*, the Baron of *Kinderton*, &c.

Barra, (*Barra*,) A Hedge or Fence for a Barriere, or Mound in Land. — *dedimus quietantiam Fratribus S. Johannis Jerusalem de purprestura inter metas Haie de Halewode, in Nottingham scire apud Winkebiri de vii acris & dimid. & de situ Barraie sue, & de vasso Communis hosi.* — *Cart. Ric. Reg. 1.*

Barra Auri, vel Argenti: A Bar of solid Metal.

Barre, (*Barra*,) Cometh of the French (*Barre*) or Barriere, that is, *Repagulum, Obex, Vellus.* In the Legal sense, denotes a peremptory Exception against a Demand or Plaint, and is by the Author of the Terms of the Law said to be such a Plea, as is sufficient to destroy the Action of the Plaintiff for ever: And is divided into a Barre to common Intendment, and a Barre Special. A Barre to common Intendment, is an Ordinary or General Barre, that ordinarily disableth the Declaration or Plea of the Plaintiff. A Barre Special, is that which is more than ordinary, and falleth out in the Case in hand, upon some special Circumstance of the fact, *Plow. Com. Colthirff's Case, fol. 26. a. b.* As for Example, An Executor being sued for his Testator's Debt, Pleadeth, That he had no Goods left in his hands at the day the Writ was taken out against him: This is a good Barre to common Intendment, or (*prima facie*.) But yet the Case may so fall out, that more Goods might fall to his hands since that time; which if the Plaintiff can shew by way of Replication, then except he have a more especial Plea or Barre to be alledg'd, he is to be condemn'd in the Action. See also *Plow. de casu supra citato fol. 28.* and *Bro. tit. Barre, num. 101.* and *Kitchin, fol. 215.*

Barre also in the same Signification, is divided into Barre Material, and Barre at large, *Kitchin, fol. 68.* A Barre Material, as it seemeth, may be otherwise call'd a Barre Special: As when one in the stop of the Plaintiffs Action, pleadeth some particular matter, as a Descendant from him that was the undoubted owner, a Feoffment made by the Ancestor of the Plaintiff, or such like. A Barre at large is, when the Tenant or Defendant, by way of Exception, doth not traverse the Plaintiffs Title, by Pleading Not-Guilty, nor confess or avoid it, but only maketh to himself a Title in his Barre. As if in an *Assise of Novel Disseisin*, the Tenant Plead a Feoffment of a Stranger unto him, and gives but a colour only to the Plaintiff; of this, there may be an Example found, 5 H. 7. fol. 29. Barre is also in regard of the Effect, divided into Barre Perpetually, and Barre pro tempore: Perpetual is that, which overthroweth the Action for ever. Barre pro tempore is that, which is good for the present, and may fall hereafter. See *Brook, tit. Barre, nu. 23.* where he saith, That to plead *Plene administravit* is good, until it may appear, that more Goods come to the Executor's hands afterward: which also holdeth for an Heir, that in an Action of his Ancestor's Debts, Pleadeth *Rem per descens.* This word is also us'd for

a Material Barre, as the place where Serjeants or Counsellors stand to plead Causes in Court, or Prisoners to answer to their Indictment; from which our Common Lawyers are term'd *Barriffers*, Anno 24 H. 8. cap. 24.

Barraitor or **Barretor**, *Barretator*, French *Baratteur* a Deceiver; Signifies a common Wrangler, that setteth Men at odds, and is himself never quiet, but at Brawl with one or other. To this effect you may read *Lamb. Eiren*, p. 342. who saith also, That Barraitor may seem to be deriv'd from the Latin *Barator*, or *Balator*, that is, a vile Knave, or Unthrif; and by a Metaphor a spot in a Common-wealth. See the Statute of *Champertry*, 33 Edw. 1. Stat. 2. cap. unico, and *West*. 1. cap. 32. An. 3 E. 1. Mr. *Skene de Verb. signif. tit. Barraitor*, saith, That Barraitors by Symonists, or call'd of the Italian word *Barrataria*, signifying Corruption or Bribery in a Judge, giving a false Sentence for Money; whom you may read more at large, as also *Hartenius Carolcanus* in his *Tract. de Brachio Regio*, p. 5. nu. 66. See also *Egidius Bossius in practica criminali tit. de Officialibus corrupt.* &c. nu. 2. & 6. & Co. lib. 8. fol. 36, 37.

Barraister or **Barritter**, *Barraisterius*. See *Uter Barraister*.

Barraister, Is a Fee of Twenty Pence, that every Prisoner acquitted of Felony payeth to the Goaler, *Crom. Just. of Peace*, f. 148. b. See 21 H. 7. 16. b.

Barrell, Is a Measure of Wine, Oyl, &c. containing the eighth part of a Tun, the fourth of a Pipe, and the second of a Hogshead, that is, thirty one Gallons and an half, 1 R. 3. cap. 13. But this Vessel seemeth not to contain any certain quantity, but differeth according to the Liquor: For a Barrel of Beer containeth Thirty six Gallons, and a Barrel of Ale but Thirty two, Anno 22 H. 8. cap. 4. and by 12 Car. 2. cap. 23. The said Assise of Thirty two Gallons of Wine-Measure, which is about Twenty eight Gallons of Old-Standard, well pack'd, containing in every Barrel usually a thousand full Herrings at least, is, and shall be taken for good, true, and lawful Assise of Herring barrels, Anno 13 Eliz. c. 11.

Barriers, Cometh of the French word *Barres*, and signifieth with us that which the French Men call *Jeu de Barres*, i. e. *Palestram*, a Martial Sport or Exercise of Men Armed, and fighting together with short Swords, within certain Barres or Lists, whereby they they are separated from the Spectators: It is now grown out of use here in England.

Barrow, A large Hillock or Mount of Earth, rais'd or cast up in many, especially the Western parts of England, which may seem to have been a mark of the Roman Tumuli, or Sepulchres of the Dead. From the Saxon *Bærg*, a rais'd heap of Earth: or rather from *Beorn*, *Beorn*, which was commonly taken for a Grove or toft of trees on the top of a Hill. See Mr. *Kenner's Glossary* to *Paroch. Antiq.* in the word *Barrow*.

Barter, May probably be deriv'd from the French *Barater*, *Circumvenire*. It signifieth in our Books Exchange of Wares for Wares, Anno 1 R. 3. cap. 9. And so the Substantive (*Bartry* 13 Eliz. cap. 7. The reason may be, because they that chop and change in this manner, do endeavour, for the most part, one to over-each and circumvent the other.

Barton, Is a Term us'd in *Devonshire*, and other parts, for the Demefne Lands of a Mannor; sometimes for the Mannor-House it self; and in some places for Out-Houses and Fold Yards. In the Stat. 2 and 3 E. 6. cap. 12. Barton Lands and Demefne Lands, are us'd as Synonyma's. See *Barton*.

Bas Chevaliers. Low or inferiour Knights by Tenure of a bare Military Fee, as distinguish'd from Barons and Bannerets, who were the Chief or Superior Knights. Hence we now call our bare simple Knights, inferior to Baronets, &c. Knight-Bachelors, i. e. *Bas*

Chevaliers, which in all likelihood gave name to the Academical Degree of *Bachelors*, as a Quality lower than that of Masters and Doctors. So in France they call the Suburbs the *bas Ville*, or the inferior Town. See Mr. *Kenner's Glossary* to *Paroch. Antiq.* in voce.

Basardi. *Qu.* whether Pattens, or Clogs, or Slop-shoes. — *Inter Injunctiones Philippi Repingdon Episcopi Lincoln. datas Vicariis, Ludi Magistris, &c. An. 1410.* — *Item quod dicti Vicarii & Clerici quicunque & precipue cum fuerint revesiti inhonestis togis suis cum longis manicis, que vulgariter Pokes nemiuntur non utantur — ac etiam basardos & calapodia deponant, que in Ecclesia strepitum faciunt & generant malum sonum.* *Reg. Repingdon Episc. Linc.*

Base Court, Is any inferior Court, that is not of Record, as the Court-Baron, &c. Of this read *Kitchin*, fol. 95, 96. &c.

Base Fee. Vide *Bas Estate*.

Base Estate, Is in true French *Bas Estate*. It signifies that Estate which Base Tenants have in their Land. Now Base Tenants, be they (according to *Lambard*, in his Explication of Saxon words, verb. *Paganus*,) which perform to their Lords Services in Villenage. The Author of the Terms of Laws, saith, That to hold in Fee Base, is to hold at the will of the Lord. *Kitchin*, fol. 41. makes Base-tenure and Frank-tenure, to be contraries, and puts Copy-holders in the number of Base Tenants; whence it may probably be conjectur'd, That every Base Tenant holdeth at the will of the Lord, but yet that there is a difference between a Base Estate, and Villenage; which *Black* in his *Nat. Brev.* fol. 12. seemeth to intermingle. For to hold in Villenage, is to do all that the Lord will command. So that a Copyholder have but a Base Estate, not holding by doing every Commandment of his Lord, he cannot be said to hold in Villenage. And I will not undertake to determine, whether Copy-holders by Custom, and Continuance of time, have shaken off that extream Servitude, wherein they were at first, altho' *Fitz. loco citato*, saith, Tenure by Copy hath grown but of late Years.

Basels, *Baselli*, A sort of Coyn, abolish'd by Henry the Second, *An. 1158. Holinshead's Chron.* p. 67.

Baselard, *Baslardus*, By the Statute 12 R. 2. cap. 6. is made to signify a Weapon, which Mr. *Spright* in his Exposition upon *Chaucer*, call'd *Pugionem vel Sicam*.

Baselers, *A. D. 1180. Nova Moneta currit in Anglia, post Baselers, circa Festum Sancti Martini. Annal. Waverl.* sub Anno 1180.

Basnetum, A Basnet, or Helmet. By *Inqu. 22 Ed. 3.* after the death of *Laurence de Hastings* Earl of *Pembroke* thus: — *Quod quidem manerium (i. e. de Aston Cantloue) per se tenetur de Domino Rege in capite per servitium invenendi unum hominem peditem cum arcu sine chorda, cum uno basneto, sine cappa per xl dies sumptibus suis propriis, quotiens fuerit guerra in Wallia.*

Basse, A Collar for Cart Horses, made of Straw, Sedge, Rushes, &c. *A. D. 1425.* the Bursars of the Priory of *Bures* Com. *Oxon.* account. — *in tribus coleris, uno basse, cum tribus capistris v. fol. x. den. 66.* *Paroch. Antiquities*, p. 574. Hence the *Basse* for kneeling in Churches.

Basla Tenura, Base Tenure, or holding by Villenage or other Customary Service, as distinguish'd from *Alta Tenura*, the Higher Tenure in *Capite*, or by Military Service, &c. *Manerium* of *Cheping* *Earendon*, cum pertinentiis est de antiquo dominico corona Domini Regis, unde omnia predicta tenentia sunt parcella, & de basla tenuta ejusdem manerii. *Consuetud. Domus de Earendon*, MS. f. 44.

Basus. Per basum tolnetum capere, To take Toll by Strike, and not by Heap, per basum; being oppos'd to *in cumulo vel cantello*. — *Tolnetus ad molendinum sit secundum consuetudinem regni — mensura per*

per quas tolneris capi debet sint concordantes mensuris Domini Regis, & capiatur tolneris per balum, & nichil in cumulo vel cantello;— Confuerud. Domus de Farendon, MS. fol. 42.

Bastard, *Bastardus*, From the British *Bastard*, that is, *Notus* or *Spurius*; Is one that is born of any Woman not married; so that his Father is not known by order of Law, and therefore is call'd *Filius Populi*, the Child of the People. (The Learned *Speelman* very rationally derives the opprobrious name of *Bastard*, from the Norman *bas*, and Saxon *stort*, Rise or Original; as a Person of a base and vile Extract. The like Termination and sense remain in *Upstart*, a Fellow of a new and late Rise.) Such cannot inherit Land, as Heir to his Father, nor can any but the Heir of his Body take Land as his Heir, *Littleton*, *sect.* 401. If a Child be begotten by him that marries the Mother, after the Child's Birth, yet it is in the judgment of Law a *Bastard*, *Stat.* 20 H. 3. 9. and 1 H. 6. 3. Co. on *Litt.* 244. If a Man take a Wife who is great with Child by another, who was not her Husband; yet the Child, tho' born but one Day after the Marriage, shall be Heir to the Husband. So if one marry a Woman, and never Bed her, but die before Night, and she have a Child after, yet it seems he shall be accounted his Child. See the *English Lawyer*, 117. If a Man or Woman marry a Second Wife or Husband, the first living, and by that Second have Issue, such Issue is a *Bastard*, 39 E. 3. 14. 7 H. 4. 49. 18 E. 4. 25. If a Woman clope with a Stranger, and hath a Child by him, yet if the Husband be *infra quatuor Menses*, he is legitimate, and shall inherit, 44 E. 3. 10. 7 H. 4. 10.

Bastardy, (*Bastardia*) Cometh of the French word *Bastard*, and signifies a defect of Birth, objected to one begotten out of Wedlock, *Bract.* lib. 5. cap. 19. How *Bastardy* is to be prov'd, or enquir'd into, if it be pleaded; See *Rastal's Entries*, tit. *Bastardy*, 104. and *Kitchin*, fol. 64. who mentions *Bastardy Special*, and *Bastardy General*: *Bastardy General* is a Certificate from the Bishop of the Dioceses to the King's Justices, after just Enquiry made, that the Party enquir'd of is a *Bastard*, or not a *Bastard*, upon some Question of Inheritance. *Bastardy Special* is a Suit commenc'd in the King's Court, against him that calleth another *Bastard*; so term'd, because *Bastardy* is the Principal and Special Case in Tryal, and no Inheritance contended for. And by this it appeareth, that in both these Significations *Bastardy* is rather taken for Examination or Tryal, whether a Man's Birth be Legitimate or not, than for *Bastardy* itself. See *Brit. rit.* *Bastardy*, n. 29. and Dr. *Ridley's Book* pag. 203, 204.

Bastion, Is a French word signifying a Staff or Club, and by the Statutes of our Realm, denotes one of the Warden of the Fleet's Servants or Officers, that attendeth the King's Court with a painted Staff, for the taking into Custody such as are committed by the Court, and so it is us'd, 1 R. 2. 12. 5 *Eliz.* cap. 23. See *Trayle bastion*.

Batable Ground, Was the Land laying between England and Scotland, heretofore, when the Kingdoms were distinct, in question to whom they belong'd, 23 H. 8. 6. and 32 H. 8. 6. The word seems as if we should say *Debatable Ground*, or Land about which there is Debate, according to the Opinion of *Skene*. See *Lamb. Brit. tit. Cumberland*.

Battayle, *Duellum*, Signifies in our Common Law a Tryal by Combat: The Manner whereof, because it is long, full of Ceremonies, and now totally diffus'd, the better to understand, I refer you to *Glanville*, lib. 2. cap. 3, 4. 5. *Bract.* lib. 3. *tract.* 2. cap. 21. fol. 140. *Brit. cap.* 22. And Sir *Thomas Smith de Rep. Ang.* lib. 2. cap. 7. & lib. 2. cap. 3. See *Combat*.

Battle, *Batellus*, A little Boat. In the Reign of Edward III. every great Ship landing at *Brinsgate*

in London, paid for standage two Pence; every little Ship with Orellocks a Penny: the lesser Boat, call'd a *Battle*, a Half-penny. See *Stow Survey of Lond.* fol. 225.

Battery, (from the French *Batre*, to strike, or the Saxon *Baite*, a Club,) Is a violent striking or beating any Man; for which, in regard it tends to the breach of the Peace, the Party injur'd may either indict the other at the Sessions, or have his Action of Trespas of Assault and Battery against him, and recover what the Jury will give him; which Action will lie as well before as after the Indictment. In some Case a Man may justify the moderate beating of another, as the Parent his Child, the Master his Servant or Apprentice, &c. This Battery the Civilians call *Injuriam personalem*, quia persona infertur per verbera, &c. *Wesemb. parit. & de injur. & fam. libell.*

Battswaine, A Sax. *Bat*, Boat, and *Swaine* a Servant; a Mariner, or Boatswain. *Doomesday*.

Batus, A Boat, and *Batellus*, a little Boat. *Concessit etiam eidem Hugo Wake, &c. quod Prædicti Abbas, &c. de Croyland habeant tres Batellos in Harnolr, &c. Cart. E. 1. 20 Jul. 18 Regni.* See *Libera Batella*. Hence we have an old word *Batsweynes*, for such as now we call *Boatswaines*, vulgarly the Boson of a Ship. It is a very frivolous Conjecture of Dr. *Skinner*, — *Nescio an nostrum Boat ortum sit à Teutonico Bote Nuncius, q. d. Cymba internuntia classis.* It is more certain the Latin *Batus*, *Hisp. Batel*, *Ital. Batello*, came from the Saxon *Bat*, and that from the old Brit. *Bâd*, which in present Welsh and Irish is a Boat. Hence a *Bottom*, which is still a common word for a Marine Vessel: whence *Bottomry*, when the Master of a Ship borrows Money upon the Credit of his *Bottom*.

Baubels, (*Baubilla*) Is an old word signifying Jewels, *Ro. Hovden. part. poster. suor. Annal.* fol. 449. b.

Baudekyn, Cloth of Gold, or Tissue upon which Figures in Silk, &c. were embroidered. — In die S. Johannis Evangeliste (Anno 1285.) Antonius Episcopus Dunelm. Ecclesiam ingressus duas Baudekyns historiam Nativitatis Dominice continentes obavit, & eas ad ornandum magnum Altare in Festo Natalitii assignavit. Hist. Dunelm. apud Wharton Ang. Sac. Par. 1. p. 747. Baldicum & Baldekinom, Anno 4 Hen. 8. cap. 6. Erat pannus auro rigidus, plumatoneque opere intertextus. Yet some Authors account it cloth of Silk only.

Bay or Pen, Is a Pond head, made up of a great height to keep in store of Water, so that the Wheels of the Furnace, or Hammer belonging to an Iron Mill, may be driven by the Water coming thence through a Passage or Flood-gate, call'd the *Penstock*. Also a Harbour where Ships ride at Sea near some Port. The word is mention'd *An. 27 Eliz.* cap. 19. *Buchan.* in his Hist. Scot. fol. 7. writes it *Bei*, and expounds it by *Sinus Maris*.

Beacon, A kind of Saxon word betokening a Signal: It is well known, 8 *Eliz.* cap. 13. *Beaconage* (*Beaconagium*) Money paid towards the Maintenance of a Beacon; and we still use the word to Becken, to give notice unto. See the Stat. 5 H. 4. and *Dors. Pat.* 28 H. 6. part. 2. m. 21. *Pro Signis Anglice Beacons, & Vigiliis.*

Bead, Saxon *Bead*, A Prayer: So that to say over one's Bead, is to say over one's Prayer. They are us'd to that purpose in many parts of the World, and are mention'd in 27 H. 8. cap. 26. and 3 Jac. cap. 5.

Bearding, alias *Barding* of Wool. See *Clacke*.

Beaters, Signifies such as beat down, or oppress others, and is all one with *Maintainers* 4 Ed. 3. cap. 11. Justices of Assise shall enquire, hear and determine *Maintainers*, *Beaters*, and *Conspirators*, and of those that commit *Champany*.

Beasts of the Forest, Are those that are otherwise call'd *Beasts of Venery*, and are five: The Hart, the Hind, the Hare, the Boar, and the Wolf: *Antiquitas Britannie*.

Britannia, written before the Conquest, fol. 43. *Holinsh.* Description of England. pag. 206. b. 30. Book of St. Albans, fol. 20. *Budens*, lib. 2. de *Philologia*, and divers others.

Beasts of Chase, Also are five; viz. The Buck, the Doe, the Fox, the Marten, and Roe, *Manwood's Forest Law*, Part. 2. cap. 4. num. 2.

Beasts and Fowl of Warren, Are only these, The Hare, the Coney, the Pheasant, and the Partridge, as appears by the Registers of Writs, fol. 95. in *brevi de transgressionibus*, F. N. B. fol. 86, 87. Co. on Lit. 233.

Beastials. See *Bestials*.

Beaupleader, (*Pulchrè Placitando*) Is made of two French words, *Beau*, Formosus, Pulcher, and *Plader*, Disputare, *Causam agere*; and signifies in Common Law a Writ upon the Statute of *Marlbridge*, 52 H. 3. c. 11. whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, or Court Barons, any Fines shall be taken of any Man for *Fair-Pleading*, that is, for not pleading fairly, or aptly to the purpose; upon which Statute this Writ was ordain'd against those that violate the Law herein. See F. N. B. fol. 270. whose Definition is to this effect: The Writ upon the Statute of *Marlbridge*, for not *Fair-Pleading*, lyeth where the Sheriff, or other Bayliff, in his Court, will take Fine of the Party, Plaintiff or Defendant, for that he Pleaeth not fairly. And it was as well in respect of the vicious Pleadings, as of the *Fair-Pleadings*, by way of Amendment, 2. Part. Inst. fol. 122.

Bedel, *Bedellus*, Is derived from the French word *Bedeau*, which signifies a Messenger, or Apparator of a Court, that cites Men to appear, and answer. It is also an inferior Officer of a Parish or Liberty, well known in London and the Suburbs. *Manwood* in his *Forest-Laws*, cap. 21. saith, That a Beadle is an Officer or Servant of the Forest, that doth make all manner of Garnishments for the Courts of the Forest; and also all manner of Proclamations, as well within the Courts of the Forest as without; and also to execute all the Process of the Forest: He is like unto a Bayliff Errant of a Sheriff in his County. *Edgarus*, &c. viz. *Vitecomissarius*, *Bedellis*, &c. Ne introeant, &c. *Inglph. Hist. Croyl.*

The word *Bedel*, properly a Crier, was Sax. *Bydel*, from *Bydde*, to publish or declare: As to bid and forbid the Banns of Matrimony, bidding of Prayers, &c. Hence the University Bedels, the Bedle of Beggars; the Church Bedels, which we now call Summoners and Apparitors.

Bedehouse, An Hospital, or Alms-house for *Bedes-men*, or Poor People, who pray'd for their Founders and Benefactors, from Sax. *Biddan*, to pray.

Bedelary, *Bedelaria*, is the same to a Bedel, as *Baliwick* is to a Bayliff, Lib. 3. cap. 5.

Bederepe, A Sax. word, (from the Sax. *biddan*, to entreat or pray, and *repe*, to reap Corn. This Customary Service of inferior Tenants, was call'd in the Latin of that Age, *Precaria bederipum*, &c.) Signifying a Service, which some Tenants were anciently bound to perform, as to reap their Landlords Corn in Harvest; in imitation of which, some are yet ty'd to give one, two, or more Days-work, when commanded. *Debent venire in Autumno ad precariam que vocatur a le Bederepe*, *Pla. in Craft*, Par. 10 H. 3. Rot. 8.

Bedd-Ale, or *bidd-Ale*, Was a friendly Affignation made for Neighbours to meet, and drink at the House of new Married Persons, or other poor People, and then for the Guests to contribute to the House-keepers. See *Bidale*.

Bestum, The old customary way of Tryal by Arms, Duel, or Combat. See *Camp-fight*.

Benefice, *Beneficium*, Is generally taken for all Ecclesiastical Livings, be they Dignities, or other. And Anno 13 R. 2. Stat. 2. cap. 8. Benefices are divided into Elective, and of Gift. In the same sense it is us'd also

in the Canon-Law, *Duarenus de Beneficiis*, lib. 2. cap. 3. The Portions of Land, and other immoveable things, granted by the Lords to their Followers, for their Stipend or Maintenance, were at first call'd *Munera*, while revocable at the pure pleasure of the Lord: they were after call'd *Beneficia*, while temporary, or held for some limited time, which was commonly one Year. But when by degrees these Tenures from an Arbitrary Condition became perpetual and hereditary, then they left their former Name of *Beneficia* to the Livings of the Clergy, (they being temporary for term of Life) and retain'd to themselves the proper Names of *Funds*, whereby they were produc'd to perpetual and hereditary. *Vid. Spelman of Funds*, cap. 2.

Beneficio primo Ecclesiastico habendo, Is a Writ directed from the King to the Chancellor or Lord Keeper, to bestow the Benefice that first shall fall in the King's Gift, above or under such a value, upon this or that Man, *Reg. Orig.* fol. 307. b.

Benefit of the Clergy. See *Clergy*.

Benefith, Was a Service which the Tenant rendered to his Lord, with his Plough and Cart. *Lamb. Trin.* p. 212. and *Coke on Littleton*, p. 85. a.

Benevolence, *Benevolentia*, Is us'd both in the Chronicles and Statutes of this Realm, for a voluntary Gratuity given by the Subjects to the King, *Stow's Annals*, pag. 701. By the Statute An. 1 R. 3. it is call'd a New Imposition, and in that respect found fault with. But *Stow*, pag. 791. saith, The Invention grew first from Edward the Fourth's Days: You may find it also An. 11 H. 7. cap. 10. to have been yielded to that Worthy Prince, in regard of his great Expences in Wars and otherwise: It is also mention'd, and excepted out of the Pardon, 1 E. 6. cap. 15. Other Nations call it *Subsidium Charitativum*, given sometimes to Lords of the Fee by their Tenants, sometimes to Bishops by their Clergy. *Mattheus de assisio deis*, 136. *Cassan. de consuet.* Burg. p. 134. 136. *Baldus consilio*, 120. vel. 6. pag. 230. Of this *Menochius* makes mention, lib. 2. cent. 2. cap. 178. & 179. And also by Act of Parliament, 13 Car. 2. cap. 4. it was given to our Sovereign, King Charles the Second.

Benevolentia Regis habenda. The Form in ancient Fines and Submissions to purchase the King's Pardon and Favour, in order to be restor'd to Estate, Title, or Place. — Thomas de S. Walericus, *dat Regi mille marcas, pro habenda Benevolentia Regis, & pro habendis terris suis unde Discessus fuit*. *Parochi. Antiquities*, p. 172.

Bercharia, *Berqueria*, *Berceria*, a Sheep-fold, Sheep-cote, or Sheep pen, or other Enclosure for the safe keeping of Sheep. Abbreviated from *Berbicaria*, from *Berbez*, detorted from *Vervex*. Hence the middle-ag'd Latin *Berbicus*, a Ram, *Berbica*, an Ewe; *Caro Berbicina*, Mutton. *Berbicarius*, *Bercarius*, Fr. *Berger*, a Shepherd. A. D. 1218. James le Bret of *Higenhall*, gave four short Ridges or Butts of Land to the Priory of *Burcester*, — *ad faciendam Berkeriam, sive quicquid eis melius placuerit*. — *Parochi. Antiq.* p. 187. *John de Charlton*, and *Christian* his Wife, gave to the Abby of *Oseney*, a piece of Land in *Hokenorton*, upon which stood the *Berchery* of *Sutton*, *Ibid.* p. 348.

Berrip, — *Tenentes de Whitborn*, in Com. Heref. *debent pro quadam consuetudine, que vocatur Berrip*, viz. pro quinque operationibus in Terminis *Beati Michaelis Quind.* Lib. *Niger Heref.* See *Bedrip*.

Berbiage, *Berbiagium*. *Nativi tenentes manerii de Calistoke, reddunt per annum de certo reddito vocat. Berbiage, ad le Hokeday, xix s.* MS. Survey of the Duchy of Cornwall.

Berfellarii. There were seven Church Men, so call'd anciently, belonging to the Church of S. John of *Brerley*. — *Sed quia eorum turpe nomen Berfellariorum patet*

tent ritus remanebat, dictos septem de cetero non Beresfallarios, sed Personarum volumus nuncupari. Pat. 21 Ric. 2. par. 3. m. 10. per Inspeex.

Berghmayster, From the Dutch *Berg*, a Hill; Is a chief Officer among the Derbyshire-Miners, who also performs the Duty of a Coroner, *Juratores dicunt, quod in principio quando Mineratores veniunt in campum minerarum quærentes, inventa minera veniunt ad Balivum, qui dicitur Berghmayster, & petunt ab eo duas Metas, &c.* Esc. de An. 16 E. 1. nu. 34. in Turri Lond. See *Berghmote*.

Berghmote, or *Berghmote*, May be deduc'd from the Saxon *Bergh*, a Hill, and *Gemote*, an Assembly; which is as much as to say, an Assembly, or Court upon a Hill. *Juratores etiam dicunt quod placita dei Berghmote, debent teneri de tribus septimanis in tres septimanas super mineram de Pecco.* Esc. 16 E. 1. ut supra. Hear what Mr. Manlove in his Ingenious Treatise of the Customs of Miners, saith,

3 E. 6. Art. 9. — *And suit for Ore must be in Berghmote Court,*

16 E. 1. c. 2. *Thither for Justice, Miners must resort, &c.*

3 E. 6. Art. 10. *And 2 great Courts of Berghmote ought to be in every year upon the Minery, &c.*
To swear Berghmaysters that they faithfully Perform their Duty on the Minery, &c.

Bernet, *Incendium*, Cometh from the Saxon *Byrnan*, to burn: It is one of those Crimes, which by the Laws of H. 1. cap. 12. *Eminendi non possunt.* See *Openheff*.

Bery, or *Bury*, Signifies a Habitation, which is still made out in the name of Places, as St. Admunds-Bury, &c. So we usually say, That in a Warren there are *Coney-Buries*, or *Coney-berries*. Anciently it was taken also for a Sanctuary.

Beria, *Berra*, *Berie*, *Berry*. Most of our Glossographers in the Names of Places, have confounded the Termination of *Berie*, with that of *Bury*, and *Torough*, as if the Appellative of ancient Towns. Whereas the true sense of the word *Beria*, Engl. *Berie*, is a flat wide Campagne, as from sufficient Authorities is prov'd, by the Learned *Du-fresne* in his Glossary, in voce *Beria*, and in his Notes on the Life of St. Lewis, p. 89. where he observes, That *Beria* Saxilli Edmundi, mention'd by *Mat. Paris*, sub. an. 1174. is not to be taken for the Town, but for the adjoining Plain. To these and other his Remarks on that word, may be added, That many flat and wide Meads, and other open Grounds, are still call'd by the Name of *Beries*, and *Berie-fields*. So the spacious Mead between Oxford and Isley, was in the Reign of K. Athelstan call'd *Bery*. B. Twine, MS. a. 2. p. 253. As now the largest Pasture Ground in Quarndon, Com. Buck. is known by the name of *Bery Field*. And such indeed were the *Berie Meadows*, which tho' Sir Henry Spelman interprets to be the Demefne-Meadows, or Mannor-Meadows, yet were they truly any flat open Meadows, that lay adjoining to any Vill or Firm. The same with *Berras*, in that Plea between the Bishop and Prior of Carlisle, 18 E. 1. & quod Rex in foresta sua prædicta, (scil. de Inglewood) potest Villam edificare, Ecclesias construere, *Berras* assartare, & Ecclesias illas cum decimis terrarum illarum pro voluntate sua cuiusque voluerit conferre; where *berras assartare*, must be to assart or plough up the plain open Heaths, or Downs. Hence the Termination of many Places, situate in a more open Campagne; as *Mixberie*, *Cornberie*, &c.

Berra, A plain open Heath. *Berras assartare*, to grub up such barren Heaths. See *Beria*.

Berrihatch. In the Court-Rolls of the Mannor of Chuton, in Com. Somers. is us'd for Litter for Horses.

Bersa. Fr. *Bers*, A Limit, Compass, or Bound. — *Pasturam duorum taurorum per totam Bersam, in*

foresta nostra de Chipenham. Monit. Angl. Tom. 2. fol. 210. a.

Bersare, To shoot; Germ. *Bersen*. — *Bersare in Foresta mea ad tres arcus.* Carra Ran. Com. Cestr. An. 1218. i. e. To hunt or shoot with three Arcs in my my Forest.

Bersatrir, A Rocker, From the French *Berser*, to Rock. — *Rex—sciat, quod pro bono servitio quod dilecta nobis Matilda de Plumpton, Beriatrix Edwardi Comitiss Cestriz, Filii nostri—concessimus eidem Matilde decem marcas percipiendas singulis annis ad Scaccarium nostrum.* Par. 10 Edw. 3. p. 1. m. 30.

Berselet, *Berseletta*, A Hound. — *Ad bersandum in Foresta cum novem archibus, & sex berseletis.* Cart. Rog. de Quincey.

Bertonarii. — *Cum Bertona terris, & tenementis que Bertonarii modo tenent ad voluntatem.* Cart. Joh. Episc. Exon. dat 24. Dec. 1337. Farmers or Tenants of Bertons. In Devonshire they call a great Farm a Berton, a small Farm a Living.

Berton, Is that part of a great Country-Farm, where the Barns, Stables, and other inferior Offices stand, and wherein their Cattel are fodder'd, and other Country-business managed. See *Clauſ. 32 E. 1. m. 7.*

Bertona, A word often found in the Book of Doomſday, signifying a Village; and is the Termination of many words, signifying somewhat appurtenant to a Mannor; as there is a Village near Kingston upon Thames, call'd at this day the *Wicke or Wicke*; and we commonly say, Baylwick, &c. *Spelman* thinks it may be *manerium minus* and *maius* pertinent, &c.

Besaitte, *Procurus*, is borrow'd of the French *Bysayent*, (i. e. *Pere de mon Pere-grand*) the Father of my Grandfather. In the Common-Law it signifies a Writ, that lyeth where the Great Grand-father was seisd in his Demefne, as of Fee of any Lands or Tenements in Fee-simple, the day that he died; and after his Death, a Stranger abateh or entreh the same day upon him, and keepeth out his Heir, &c. The form and use of this Writ is more at large to be read in F. N. B. f. 221.

Besla, A Spade or Shovel; derived from the French *beseher*, *sodere*, to dig. Hence perhaps *Una bescata terre inclusa*, Mon. Ang. p. 2. fol. 642. May signifie a piece of Land usually turn'd up with a Shovel or Spade, as Gardiners use to fit their Grounds, to sow and plant in.

Bestials, Cometh of the French *Bestials*, which is *pecus*, Beasts of any sorts, Anno 4 E. 3. cap. 3. It is written *Bestiale*, and taken to denote all kind of Cattel, purvey'd for the King's Provision. It is also mention'd, to signifie all kind of Cattel, 1 Jac. 33. and 12 Car. 2. cap. 4.

Betaches. — *Et Hibernicos sic admissos ad legem prædictam more Anglicorum pertractari mandamus jure nostro, & aliorum dominorum in bonis & cattallis Nativorum, qui vulgariter in illis partibus Betaches nominantur.* Par. 14 Ed. 2. p. 2 m. 21. intus.

Beverches, Bed-works, or Customary Services done at bidding of the Lord by his inferior Tenants. — *Inter Servitia cultumaria Tenentium in Elebury, de dominio Abbatis & Conventus Rading—prædictus Abbas habebit de eis duas precarias carrucarum per annum, que vocantur Beverches, & cum qualibet carruca duos homines qualibet die ad prandium Abbatis.* Cartular. Rading. MS. f. 223.

Bidale, or *Bid-all*, Is the Invitation of Friends to drink at some poor Man's House, who thereby hopes to receive some assistant Benevolence from the Guests for his relief; still in use in the West of England, and felly written by some *Bildale*, and mention'd 26 H. 8. cap. 6. The same is us'd also in the County-Palatine of Chester by Persons of Quality, towards the Relief of their own or Neighbours poor Tenants.

Bidding of the beads, Was a Charge or Warning that the Parish Priest gave to his Parishioners at certain special times, to say some particular Prayers, or do other Acts of Devotion, in behalf of some deceas'd Friend's Soul; in imitation of which, the Ministers of the Church of England are commanded by the Canons on the Sunday precedent, to give notice of the Festivals in the following Week, that the Parishioners may the better observe them; this is mention'd 27 H. 8. cap. 26. we may easily find bidding in the Sax. word *bidden*, to pray or desire; and *bead*, a Prayer.

Bidentes. Two Yearlings, Tags or Sheep of the second Year. — Will. Longspe, A.D. 1234 granted to the Prior and Canons of *Surcester*, — *Pasturam ad quinquaginta bidentes, cum dominicis bidentibus meis ibidem pascentis*. Paroch. Antiq. p. 216. The Wool of these Sheep being the first sheering, was sometime claim'd as a *Harlot* to the King, on the death of an Abbat.

Bidripe, Bidripa. See *Bederepe*.

Biga, Bigata, Properly a Cart with two wheels, and not as some have offer'd, a Chariot drawn with coupled Horses; these words prove it sufficiently, *Et quod eant cum Bigis & carris, &c. super Tenementum suum, &c.* Mon. Angl. fol. 256. b. This *Biga*, or Cart with two Wheels, was drawn sometimes with one Horse, a more express Refutation of the above-mention'd Conjecture. King Hen. 3. confirm'd to the Priory of *Repingdon Com. Derb.* *unam bigam cum uni duo equi semel in die in bosco suo de Tikenhall errantem, ad focale ad usus suos proprios portantum*. Mon. Angl. tom. 2. p. 280.

Bigamus, Is any Person that hath at several times married two or more Wives, successively after each others death, or a Widow; as appears by the Statutes, 18 E. 3. cap. 2. 1 Ed. 6. cap. 12. 2. part Co. Inst. f. 273.

Bigamy, Bigamia, Signifies a double Marriage, being a compound Greek word; it is us'd in Common-Law, for an Impediment that hindreth a Man to be a Clerk, by reason he hath been twice married, 4 E. 1. 5. which seems to be grounded upon the words of St. Paul to Timothy, *Epist. 1. cap. 5. vers. 2. Oportet ergo Episcopum irreprehensibilem esse, & unius uxoris virum*. The Canonists have founded their Doctrine upon this, That he that hath been twice married may not be a Clerk: And him that hath married a Widow, they reckon to have been twice married. Both which they do not only exclude from holy Orders, but also deny them all Privilege that belongs to Clerks. But the Author of the New Terms of the Law saith, This Law is abolish'd by 1 E. 6. 12. and to that may be added, 18 Eliz. c. 7. which alloweth to all Men that can read as Clerks, tho' not within Orders, the benefit of Clergy, even in case of Felony, not especially excepted by some other Statute. So is *Brook, tit. Clergy, plac. 20.* to the same purpose.

Bigagines. See *By-Laws*.

Bilantis defendendis, Is a Writ directed to a Corporation, for the carrying of Weights to such a Haven, there to weigh the Wools that such a Man is licens'd to transport, *Reg. Orig. f. 270. a.*

Billaws, or rather *By-Laws*, *Lat. Bil agines.* So call'd by the *Goths*, the *Swedes*, the *Danes* and *Saxons*; from *By*, which in all those Languages signifieth a Town; and *Lagh* or *Laghen*, which signifieth Laws; as *Gravius, Sucus*, and our Saxon Authors testify: And tho' *Formander*, a Spanish *Goth* writeth it after the Spanish corruption, *Belagines*: yet we in England keep the very Radix and word it self *By-Laws*. Vid. *Spelman. of Feuds, cap. 2.* That is, Laws made *obiter*, or by the *By*; such as are made in Court-Leets, or Court-Barons, for the peculiar good of those that make them, farther than the Common or Statute-Law doth bind. The like are generally allow'd by Letters Patents of Incorporation to any Guild or Fraternity, for the better Regulation of Trade among themselves, or with others,

Co. vol. 6. fol. 63. a. Kitchin, fol. 45. 79. These in Scotland are call'd *Burlaw* or *Birlaw*. *Skene de verb. signif. verb. Burlaw*, Which, saith he, are Laws made and determin'd by consent of Neighbours, elected and chosen by common Approbation in the Courts call'd *Birlaw-Courts*, where they take Cognizance of Complaints between Neighbour and Neighbour, which Men so chosen, are Judges and Arbitrators to the effect aforesaid, and are call'd *Birlaw-men*; for *Bawr* or *Bawrman* in Dutch is *Rustic*, and so *Birlaw* is no other, but *Leges Rusticorum*. By 14 Car. 2. ca. 5. the Wardens and Assistants for making and regulating *Norwich-Stuffs*, are empower'd to make *By-Laws*. See 20 Car. 2. cap. 6.

Billeta, Billeus: A Bill or Petition exhibited in Parliament. — *Sic responsum fuit ad biletam quam proposuimus in Parlamento London. Consuetud. domus de Farendon.* MS. f. 48. So, *Tenor Billei porrecti coram Concilio Domini Regis*, — *supplicat Abbas de Bello loco Regis, &c.* Ib. f. 43.

Bilinguis, In general is a Man of a double Tongue, but in a Legal Sense, is us'd for a Jury that passeth between an *English-Man* and an *Alien*, whereof part ought to be *English Men*, and part *Strangers*, 28 E. 3. cap. 13. This we call vulgarly a *Party-Jury*; but in proper Language, it is a *Jury e medietate lingua*. See *Medietas Lingue*.

Bill, Billa, Hath several Significations in Law. First, According to *West. Symb. pag. 1. lib. 2. sect. 146.* It is all one with an Obligation, saving that it is commonly call'd a Bill, when in *English*; and an Obligation, when in *Latin*. But now by a Bill we ordinarily understand a single Bond, without a Condition; by an Obligation, a Bond with a Penalty and Condition: *West. part. 2. Symbol. tit. Supplications, sect. 52.* Secondly, a Bill is a Declaration in Writing, that expresth either the wrong the Complainant hath suffer'd by the Defendant, or else some fault that the Party complain'd of hath committed against some Law or Statute of the Commonwealth. Such Bill is sometimes exhibited to Justices Itinerant, at the General Assises, by way of Indictment, or Information; but more especially to the Lord Chancellor or Lord Keeper, for unconscionable wrongs done. Sometimes it is prefer'd to others having Jurisdiction, accordingly as the Law, whereupon they are grounded, doth direct. It containeth the Fact complain'd of, the Damages thereby suffer'd, and Petition of Process against the Defendant for Redress.

Billa vera, Is a Term of Art in the Common-Law: for the Grand Inquest impannelled, and sworn before the Justices in Eyre, &c. indorsing a Bill, whereby any Crime punishable in that Court, is presented unto them, with these two words, which do signifie thereby, That the Presentor hath furnish'd his Presentment with probable Evidence, and worthy of farther Consideration: And thereupon the Party presented, is said to stand Indicted of the Crime, and so bound to make Answer unto it, either by confessing or traversing the Indictment: and if the Crime touch the Life of the Person indicted, it is yet refer'd to another Inquest, call'd The Jury of Life and Death; who, if they find him guilty, then he stands convicted of the Crime, and is by the Judge to be condemn'd to death. See *Ignoramus*. See also *Indictment*.

Bill of Store, Is a kind of Licence granted at the Custom-house, to Merchants, to carry such Stores and Provisions as are necessary for their Voyage, Custom-free.

Bill of Suffrance, Is a Licence granted at the Custom-house to a Merchant, to suffer him to Trade from one English Port to another, without paying Custom. *An. 14 Car. 2. cap. 11.*

Billers of Gold, Are Wedges or Ingots of Gold; the word is deriv'd from the French *Billoir, Massa Auri*, 27 E. 3. Stat. 2. cap. 14.

Billor, Billo, Billonis. Bullion of Gold or Silver in the Mals before it is coyn'd. — *Volunt quod utrumq. argentum billonis, & transmarinum ematur ad libram Scaccarii, retentis ad opus nostrum pro custubus & expensis, & firma nostra sexdecim denariis de argento de Gandavo.* Mem. in Scaccar. Term. Mich. 9 Edw. 1. by Sir John Maynard.

Bind of Cels. See *Stick of Eels.*

Binthenenden. This is enumerated among the Priviledges granted to the Monastery of *Glastonbury* — *Sac & Sac, bordes, bovenenden, & binithenenden, on Strond and on Strreme.* Cartular. Abbat. Glaston. MS. f. 87. a.

Binnarium, Binna, Benna. A Stews, or Water penn'd up for feeding and preserving Fish. — *Expensa in pisce ad instaurandum binnarium empto xii s. vi d.* Confectud. Dom. de Farendon. MS. f. 29. — *Provisum est quod nullus magnus vel parvus curras in parco alieno, aut piscetur in alienis binnario.* — Stat. Ed. 1. An. Regni tertio, apud West.

Binn Pepper. Anno 1 Jac. cap. 19.

Bisaut, Bisant, Besant, Bezantine, Bisutius: A piece of Money coyn'd by the Western Emperours at *Bizantium* or *Constantinople*; of two sorts, Gold and Silver, *Bizantius aureus & albus*: both which were current in *England*. *Chaucer* represents the Gold *Besantine* or *Besant*, to have been equivalent to a *Ducket*. The Silver *Besantine* was computed generally at two *Shillings*.

Bislaw. See *Bilaw*, and *Byrlaw*.

Blue and Bludie. The mark of a wound or bruise, what we now call Black and blue. From Sax. *blod*, *Illand*, blood, of a deep red colour, or what we call as red as blood. Lat. *Blodens*, *Signis verberando aliquem fecerit blue & bludie, iste qui fuerit blue & bludie, prius debet exaudiri.* Leg. Bug Scot. cap. 87.

Birretus. The Cap or Coif of a Judge, or Serjeant at Law. The Honourable Use of it is thus describ'd by *Fortescue*, De Laud. Leg. Angl. cap. 50. *In signum quod omnes Justiciarii ibi taliter extant graduati, quilibet eorum semper utitur dum in Curia Regis sedet, Birreto albo de serico, quod primum & precipuum est de Insignibus Habitibus quo servientes ad Legem, in eorum creatione decorantur. Nec Birretum istud Justiciarius, sicut nec serviens ad Legem unquam deponet, quo caput suum in toto discooperiet etiam in presentia Regis, &c.* Spelman.

Bissa, a Gall. Bische, Cervia major: A Hind. — *decimum venationis nostrae, scil. de cervis bissis damis, porcis & lais.* Mon. Angl. vol. 1. f. 648. a.

Bissextile, Bissextilis, Vulgarly call'd Leap-year, because the sixth day before the Calends of *March* is twice reckon'd, viz. on the twenty fourth and twenty fifth of *February*; so that the Bissextile-year hath one Day more than other Years, and happens every fourth Year: This Intercalation of a Day was first invented by *Julius Caesar*, to make the Year agree with the course of the Sun. And to prevent all ambiguity that might grow thereupon, it is ordain'd by the Statute De Anno Bissextili, 21 H. 3. That the Day increasing in the Leap-year, and the Day next before, shall be accounted but one Day, *Britton*, fol. 209. and *Dyer*, 17 Eliz. 345.

Bisus, Bisus, Mica Bisu, Panis bisus; Gall. Pain-bis, Angl. Brown-bread, a brown-loaf. — *Abbas & conventus Osen. concedunt Petro de Sibbeford quilibet septimana septem parvas albas micas* (i. e. seven small white Loaves) & septem bisas micas (i. e. seven brown Loaves) & quinque galones & dimid. melioris cervisia — Anno 1341. — Cron. Osen. Bib. Cotton. Vitell. E. 15. f. 247.

Black mail. Is half English, half French; for in French *Mail* signifieth a small piece of Money. It denotes in the Counties of *Cumberland*, *Northumberland*, *Westmerland*, and the Bishoprick of *Durham*, a certain

rate of Money, Corn, Cattel, or other Consideration, pay'd unto some inhabiting near the Borders, being Men of Name and Power, ally'd with certain known to be great Robbers, and Spoil-takers within the Counties; to the end, to be by them protected, and kept in safety, from the danger of such as do usually rob and steal in those parts, Anno 43 Eliz. cap. 23. See *Mayle*. These Robbers are of late Years call'd *Moss-Troopers*, and several Statutes made against them.

Black Rod, Is the Usher belonging to the Garter, so call'd of the Black Rod that he carrieth in his Hand: He is Gentleman Usher to the King, and also Usher of the Parliament. He is call'd in the Black-Book, fol. 255. *Lator virga nigra, et Hostiaris*; and elsewhere, *Virgibajulus*: His Duty is, *Ad portandum Virgam coram Domino Rege, ad Festum Sancti Georgii infra Castrum de Windfore.* He also keeps the Chapter-House-Door, when a Chapter of the Order is sitting: His Habit is the same with the Register of the Order, and Garter, principal King at Arms, which he wears only at the solemn times of that Festival of St. George. He carries, as we said, a Black Rod, on whose top is a Lyon, Gold. His Fee is 30 lib. per Annum, and hath anciently been made by Letters Patent under the Great Seal, and hath a great Power; for to his Custody all Noblemen, call'd in question for any Crime, are first committed.

Bladarius. A Corn-monger, Meal-monger, or Corn-Handler. The word is us'd in our Records for such a Retailer of Corn. Par. 1 Edw. 3 par. 3. m. 13.

Blade, Bladum: *Spelman* says, *De segete tantum intelligitur.* But in the Saxon it signifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. Hence *Bladier* is taken for an Ingrosser of Corn or Grain: This may appear by a Release of *Will. de Moban* to his Bother, of all the Mannor of *T. Salvo* instauro suo & blado, excepting his Stock and Corn on the Ground.

Blanch Firmes. In old times the Crown-Rents were many times reserv'd in *Libris Albis*, or *Blanch Firmes*. In which case the Buyer was holden *Dealbare firmam*; that is, his base Money, or Coyn worse than Standard, was molten down in the *Exchequer*, and reduc'd to the fineness of Standard-Silver; or (in stead thereof) he pay'd to the King twelve Pence in the Pound, by way of Addition. Vid. *Lownde's Essay* upon Coyn, p. 5.

Blanks, French *Blanc*, that is *Candidus*, white; It signifies a kind of Money coyn'd in the parts of *France* by *Henry Fifth*, that were subject to *England*, the value whereof was eight Pence, *Snow's Annal* p. 586. These were forbidden to be current within this Realm, 2 Hen. 6. cap. 9. The reason why they were call'd *Blanks*, may be, because at the time these were coyn'd in *France*, there was also a Piece of Gold coyn'd, which was call'd a *Salus*, of the value of 22 Shillings, from which this Silver was distinguish'd by the colour.

Blench, Is the Title of a kind of Tenure of Land, as to hold Land in *Blench*, is by Payment of a Sugar-loaf, a Bever-Hat, a couple of Capons, and such like; if it be demanded in the name of *Blench*, *id est, nomine albe firme.* See *Alba firma*.

Bleta, French *Bleche*: *Pete*, or combustible Earth, dug up and dry'd for burning. — *Minister & Fratres de Knaresborough, obtinent quod ipsi & eorum Tenentes fodiant turbas & bletas, in Foresta de Knaresborough.* Rot. Parl. 35. E. 1.

Blorkmood. See *Logwood*.

Blodous, Sax. *Blod*, deep red colour. Hence *bloat*, and *bloated*, i. e. Sanguine and high-colour'd; which in *Kent* is call'd a *Blousing* colour, and a *Blouse* is there a Red-fac'd *Wench*. The Prior of *Burcester*, A. D. 1425. gave his Liveries of this colour. — *Et in blodous panno empto pro Armigeris & Vilellis Prioris de*

de Johanne Bandy, de magna Tue. Paroch. Antiquit. p. 176.

Blomary. Is one of the Forges belonging to an Iron-Mill, thro' which the Iron passeth before it cometh to the Finery. Of this you may read at large, 27 Eliz. cap. 19.

Blotted Fish or Herring. Are such as are not thoroughly dry'd; they are spoken of, 18 Car. 2. cap. 2.

Bloudy hand. See *Backberend*. It signifies the Apprehension of a Trespasser in the Forest against Venison, with his Hands, or other Parts bloody, tho' he be not found chasing or hunting. Of which, see *Manwood*, cap. 18. num. 9.

Bloudeshed. Bloud-wit, or the Fine impos'd for Shedding Blood. — *Mich. 7 H. 7. Willielmus Lucy Miller, remittit Domui & Ecclesie de Thelesford Toll, Quick, Stallage, & Bloudeshed.* Ex Cartular. Dom. de Thelesford. MS.

Bloudwite. Is a Compound from the Saxon Blood, *Sanguis* and *Wyte*, an old English word signifying *Misericordia*. It is often us'd in ancient Charters, and intends an Amerciament for Blood shed. *Skene de verbo Signif.* writes *Bludweis*, Which, says he, is in English as much as *Injuria*, or *Misericordia*. It being as the Scottishmen call it, an Unlaw for Wrong or Injury, as is the effusion of Blood. For he that hath Bloodwit granted him, hath free liberty to take all Amerciaments of Courts for shedding of Blood. *Fleta* saith, *Quod significat quietantiam misericordie pro effusione sanguinis*, lib. 1. cap. 47. *Si aliqui pugnantes, &c. extraxerint sanguinem Prior habebit Bloudwit, i. e. Amerciamentum inde in Curia sua.* Ex Reg. Priorat. de Cokesford.

Sax. blod. Blood, and wit, a Fine or Penalty; for *Blodwite* was a customary Fine pay'd as a Composition and Aronement for the shedding or drawing Blood: for which the Place was answerable, if the Party were not discover'd. And therefore a Privilege or Exemption from this Penalty was granted by the King, or Supreme Lord, as a special Favour. So King Henry II. granted to all Tenants, within the Honour of *Wallingford*, *Ut quieti sint de hidagio, & blodewite, & bredewite.* — Paroch. Antiq. p. 114.

Blubber. A kind of Whale-Oyl, so call'd before it is thoroughly boyl'd, spoken of 12 Car. 2. cap. 18.

Bluer. Blue. — *Vestimenta autem dabunt mihi de Grisen, vel halberget & pellibus agninus, uvari autem mee ad carius bluer, & pellibus similiter agninus.* Mon. Angl. tom. 1. f. 831.

Bochord, I. as it were, *Book-board*, or a Hoard for Books; that is, a place where Books, Writings, or Evidences are kept: we may term it in Latin *Librorum borchum*.

Bostrand. Sax. *quasi* Bookland, a Possession or Inheritance held by Instruments in writing. Boeland vero ea possidendi transferendique lege coerceretur, ut nec dari licuit nec vendi, sed hereditibus relinquenda erat, in scriptis aliter permisteretur; Terra inde hereditaria nuncupata inter leges Aluredi, cap. 36. See *Charter-land*, *Cop-hold*, and *Free-hold*, and *Land-boo*. See also *Glossarium in decem Scriptores*. **Boeland** signifies *Terram Caducillariam*, or *Librariam*, *Deed-land*, or *Charter-land*. It commonly carry'd with it the absolute Inheritance and Propriety of the Land, and was therefore preserv'd in writing, and possess'd by the *Thanes*, or Nobler Sort, as *Pradium Nobile*, *Liberum*, & immune à *Servitiis vulgaribus & servilibus*. It was the very fame as *Allodium* descendable (according to the common course of Nations, and of Nature) unto all the Sons, and therefore call'd *Gavel-kind*; devisable also by Will, and thereupon call'd *Terra Testamentaria*, as the *Thane* that possess'd them, was said to be *Testamento dignus*. Vid. *Spelman de Feudi*, cap. 5.

Bodies Politick. See *Corporation*.

Boia, Chains, or Fetters, properly what we call *Bernicles*. *Quidam à dolore capitis liberatus est, adjungens genae sue boias, quibus S. Britstannus ligatus fuit.* Hist. Elien. apud Whartoni Angl. Sac. P. 1. p. 618.

Boilary, or *Bullary* of Salt, A Salt-house, or Salt-pit, where Salt is boild, Co. on Lit. fol. 4. b.

Bolring. Is a Term of Art us'd in *Greys-Inn*, whereby they intend private Arguing of Cases; the manner of it is this, An *Ancient* and two *Barristers* sit as Judges; three Students bring each a Case, out of which the Judges chuse one to be argu'd, which done, the Students first begin and argue, and after them the *Barristers*. *Bolring* hath also a more common acception, which Country Housewives say is the Sifting of their Meal or Flour thro' a Bag, to make it finer; which Bag they call a *Bolter*: And why may not the Law-Term be drawn hence? because the *Bolring* of Cases is the through-sifting, and debating of them.

Bolt. A Bolt of Silk or Stuff, seems to have been a long narrow Piece. — In the Accounts of the Priory of *Burcester*, A. D. 1425. — *Et in bolt rubei Say, apud Stererbrugge, propter anabatum faciendam in sol. viii denar.* Paroch. Antiq. p. 574.

Bolter. See *Bulter*.

Bona fide. We say, That is done *Bona fide*, that is done really, with a good Faith, without Fraud or Deceit. It is mention'd 12 Car. 2. cap. 18. and 15 Car. 2. cap. 5.

Bona gestura. Good Abearing, or good Behaviour. — *Et si par furem vel aliquos manentes reuocet inuenire sufficientem securitatem de sua bona gestura erga Balliuos & Comburgenses — à predicto burgo ejiciatur.* Codex MS. de LL. Statutis & Consuetud. Burgi Ville Montgomer.

Bonaght, or *Bonaghty*, An Exaction in Ireland, impos'd at the will of the Lord, Antiq. Hib. p. 60. *Cambden* in his *Brit. tit. Desmond*, says, That *James Earl of Desmond* impos'd upon the People those most grievous Tributes of *Coy*n, *Livery*, *Cocherings*, *Bonaghty*, &c.

Bona notabilia. Are such Good as a Party dying hath in another Diocess, than that wherein he dies, amounting to s. l. at least, which, who so hath, his Will must be prov'd before the Archbishop of the Province; unless by Composition or Custom, other Diocesses are authoris'd to do it, where *Bona notabilia* are rated at a greater Sum. Book of Canons, 1 Jac. can. 92, 93. *Perkin*, sect. 489. See *Probate of Testaments*.

Bona Patria. An Assise of Country-men, or good Neighbours: Sometimes call'd, *Assisa bone Patrie*, when Twelve, or more, are chosen out of the Country to pass upon an Assise; and they are call'd *Juratores*, because they swear judicially in presence of the Party, *Skene verb. Bona Patria. Vid. Assisori*.

Boncha. A Bonche, or Bunch. The Prior and Bursar of *Bister*, Com. Oxon. An. D. 1425. account to the House, — *Et in duabus bonchis alei vi den.* — for two bunches or ropes of Onions 6 d. *Fr. Junius* derives it from the Danish *Buncker*, the tops of Hills. It seems rather from the old Latin *Bonna*, *Bunna*, a rising Bank, for the Term or Bound of Fields. Hence the word *Bown* is us'd in *Norfolk*, for Swelling or Rising up in a bunch or tumour, &c.

Bond. *Bondage*, and *Bondmen*: The Book of *Doomsday* calls *Bondmen Servi*, and differences them from *Villani*, *Villeyner*. *Et de toto tenemento quod de ipso tenet in Bondagio, &c.* Mon. Angl. 2. par. fol. 609. a.

Bonis non amovendis. Is a Writ to the Sheriffs of London. &c. to charge them, that one condemn'd by Judgment in a Nation, and prosecuting a Writ of Error, be not suffer'd to remove his Goods, until the Error be try'd, *Reg. Orig. fol. 131. b.*

Booting, or *Booting Corn*, Certain Rent Corn anciently so call'd; The Tenants of the Mannor of *H.* in

Com. B. heretofore pay'd Booting Corn, to the Prior of Rochester, Antiquity of Purveyances, fol. 418. See Bote. Perhaps it was so call'd, as being pay'd by the Tenants, by way of Bote (Boot we still call it) or Compensation to the Lord, for his making them Leases.—

Bordarii, Be Tenants that occupy part of the Demesnes, which are call'd *Bordlands*.

Bordagium, The Tenure of Bordlands, which see, *Item ordinatum est, quod omnes qui terras & tenementa tenent per Bordagium, habeant super singulis Bordagiis, quæ per prædictum servitium tenentur, capitalem quandam mensuram in loco ad hoc consue, &c.* Ordin. Just. Itin. in Insula de Jersey.

Bordarii, seu *Bordmanni*: We often meet with these words in *Doomsday*; some think they are Peasants, Husbandmen, or Cottagers, *Dicuntur Bordarii, vel quod in Tugurio (quæ cotagia vocant) habitabant, &c.* Spelman. See *Bordlands*. Some derive it from the old Gall. *Bords*, the Limits or Extreme parts of any Extent: As the Borders of a Country, and the Borderers or Inhabitants in those Parts; whence the *Bordure* of a Garment, and to imborder, which we corrupt to imbroder. But our old *Bordarii*, *Bord-men*, were rather so call'd from Sax. *Bord*, a House. The *Bordarii* often mention'd in the *Doomsday* Inquisition, were distinct from the *Servi* and *Villani*, and seem to be those of a less servile Condition, who had a *Bord*, or Cottage, with a small parcel of Land allow'd to them, on condition they should supply the Lord with Poultry and Eggs, and other small Provisions for his *Bord*, or Entertainment.

Bord-halpeny, Is a Duty pay'd in Fairs and Markets, for setting up Tables, Bords, and Stalls, for the selling of Wares. In many old Charters, divers are freed from this Payment: Some have corrupted it to *Borbat-peny*, and *Brod halpeny*.

Bordlands, Signifie the Demesnes, which Lords keep in their hands, for the Maintenance of their *Bord*, or Table. *Bordlands sunt Dominium ad mensam*, Braët. lib. 4. tract. 3. cap. 9. nu. 5. which was anciently term'd *Bordagium*, or *Bordage*. Sax. Diction. verb. *Bord*. See also Antiquity of Purveyance, fol. 49.

Borda, A Plank or Board.—*Rex Vicecom. Ebor. Salutem. Facias publice proclamari ne quis—maerentium aliquid, seu Bordas aliquas aptas pro navibus faciendis, extra regnum nostrum ad partes externas ducat, vel cariari faciat.* Rot. Claus. 10 Ed. 3.

Bordeloe, The firm, or quantity of Food, or Provision, which the *Bordarii*, or *Bord-men* pay'd for their *Bord-Lands*. The old Scots had the Term of *Burd*, and *Meet-burd*, for Victuals and Provision; and *Burden-Sack*, for a Sack-full of Provender. From whence probably comes our English *Burden* at first; only a Load of Meat and Drink: which we seem still to retain in the Proverb, *He has got his Burden*, i. e. as much drink as he can bear, or carry off.

Bordel, Lat. *Bordellum*. At first it signify'd any small Cottage, which growing infamous for a licentious Ale-house, and the common habitation of Prostitutes. Thence by degrees a *Bordel*, or by *Metathesis* a *Brodel*, Brothel and Brothel-house came to signify a lewd place, a Stews. From which *Femme-bordelier*, a common Whore. Hence in *Chaucer*, a *Borel-man*, contraction of Brothel-man, a loose idle Fellow; and *Borel-folks*, Drunkards, and Epicures, which the Scots now call *Burell-folk*. In the Dialogue between *Dives* and *Pauper*, printed in Lond. 1493.—*Dives*. 'And I drede me that full oftē by such feyres Gooddes housē is made a Tavern of Gluttons, and a *Bordel* of Leychours.'

Borh-brych, or *Burgh-brych*. The Breach or Violation of Suretiship, or Pledge or mutual Fidelity among the Saxons.

Bordare, *Bordiare*, *Burdare*. To exercise the

Feats of Arms in Jousts, Torneaments, or other Military Sports.—*Nulli convenient ad turniandum, vel burdandum, nec ad alias quasunque aventuras.* Assis. de Armis An. 36 Hen. 3. *Burdare* was more properly *burdonibus*, seu *fustibus dimicare*, to play at Cudgels. *Chaucer* uses the word *Burdans*, for larger Sticks or Cudgels: The old French *bourdon*, as a Pilgrim's Staff. *Bordicia*, were the solemn Challenges and Encounters at Quarter-Staff, Cudgel-Play, Back-Sword, &c.—*De torneamentis & bordiciis non tenendis*,—*Ne quis presumat torneare, vel bordeare.* Lit. Claus. 28 E. 1. m. 17.

Borow, or *borough*. In Latin *Burgus*, *Burgum*; May be deriv'd from the French *burg*, i. e. *pagus*; or from the Saxon *borhoe*, *pignus*: It signifies with us a Corporate-Town, that either is not a City, 2 E. 3. cap. 3. namely such as send Burgesses to the Parliament, whose number you may see in *Crompt. Jurisd.* fol. 24. It may probably be conjectur'd, That anciently it was taken for those Companies consisting of ten Families, which were to be Pledges for one another. See Braët. lib. 3. tract. 2. cap. 10. See *Head-borow*, and *Borow-head*; and *Lamb. Duty of Const.* pag. 8. *Linwood* upon the Provincial, (*ut singula de sensibus*) speaks to this effect, *Aliqui interpretantur Burgum esse castrum, vel locum ubi sunt crebra castra, vel dicitur Burgus, ubi sunt per limites habitacula plura constituta*; but afterwards defines it thus, *Burgus dici potest Villa quæcumq; alia à Civitate, in qua est Universitas approbata*. Some derive it from the Greek word *πυργος*, that is, *Turris*. See *Skene de verb. Signif. Vergestan*, in his Resolution of Decay'd Intelligences, saith, That *Burg* or *Burgh*, whereof we take our *Borough*, Metaphorically signifies a Town having a Wall, or some kind of Closure about it. All places that in old time had amongst our Ancestors the Name of *Borough*, were one way or other fenc'd or fortify'd, *Lit. fœd.* 164.

Borow-head, alias *Head-borough*, *Capitalis Plegius*, made up of *Borhoe*, a Pledge, and *Head*, *Lamb. Duty of Constables*; where in the Explication of this and other Saxon words of that nature, he rehearseth some ancient Customs of England, during the Reign of the Saxons. This *Borow-head* was the chief Man of the *Decury*, elected by the rest to speak, and do in their behalfs those things that concern'd them. See *Borow-holders*.

Borow-hold, alias *Borholders*: Be quasi *Borhoe-ealders*, and signifieth the same Officers that be call'd *Borow-heads*, *Lamb. Duty of Const.* *Braët* calleth them *Borhy-Aldere*, lib. 3. tract. 2. cap. 10.

Borow-Engliff, Is a Customary Descent of Lands or Tenements, whereby in all places where this Custom holds, Lands and Tenements descend to the youngest Son; or if the Owner of the Land have no Issue, then to the younger Brother: As in *Edmuntun*, some part of *Richmond*, and other places, *Kitchin*, fol. 102. And the reason of this Custom, (*says Littleton*) is, for that the youngest is presum'd in Law to be least able to shift for himself.

Borow Goods devisable. I find these words in the Statute of *Alton Burnel*, 11 E. 1. cap. unico: 'And suppose that as before the Statute of 32 & 34 H. 8. no Lands were devisable at the Common-Law, but in ancient Baronies; so perhaps at the making the Statute of *Alton Burnel*, it was doubtful, whether Goods were devisable but in ancient Borows: For it seemeth by the Writ *De rationabili parte bonorum*, that anciently the Goods of a Man were partible between his Wife and Children.

Borthal-peny. See *Bord halpeny*.

Borwhal-peny. The same Duty with *Bord-peny*. In the Charter of *Henry 1.* to the Church of *St. Peter York*, *Canonici & homines eorum sint quieti de*—*Leyr*.

—Leyrwyte, Hengewyte, & Wardepeny, & Borwhalpen. & de omnibus auxiliis Vicecomitum, &c. MS.

Boftrage, Bofcagium, Is fuch Softenance as Wood and Trees yield to Cattell, viz. Mast; it may be deriv'd from the Greek Word *Boskai*, *Pastore*.

Bofcaria, May be either Wood-houses, from *Bofcus*; or Ox-houses, from *bor*. *Ut ipsi possunt domus & Bofcaria satis competenter adificare*. Mon. Angl. 2. p. 3. fol. 102.

Bofcus, Is an ancient word us'd in the Law of England for all manner of Wood: The Italian uses *Bosco* in the same sense, and the French *Bois*. *Boscur* is divided into Wood or Timber, *Uant-bois*; and Coppice or Under-wood, *Sub-bois*: The High wood is properly call'd *Saltus*, and in *Fleta Marientum*.

Bosinus, A certain Rustical Pipe: By Inquisition after the death of *Lawrence Hastings*, Earl of *Pembroke*, 22 E. 3. The Mannor of *Aston Cantlow*, in *Con. War.* is return'd to be held in *Capite* of the King, by these words, *Quod quidem Manerium per se tenetur de Domino Rege in Capite per servitium inveniendi unum hominem Peditem, cum quadam Arcu sine Corda, cum uno Bosino sine cappa, &c.* Ex *Recod. Tur. Lond.*

Bota, A Boot or Shoe. that was the particular Calceure of the Monks. In some Astronomical Fragments of *John de Wallingford*, we see the Picture of the Author, with this Dislike:

*Tonsio larga coma, nigra vestis, Bota rotunda,
Non faciunt Monachum, sed mentis a crimine munda.*

MS. Cotton. Jul. D. 6.

Bote, Signifieth Compensation, *Lamb. Explicat. Sax. words*: Thence cometh *Manbote*, (alias) *Monbote*, that is, Compensation or Amends for a Man slain, which was bound to another. In *King Ina's Laws*, set out by *Mr. Lambert*, cap. 96. is declar'd what Rate was ordain'd for the Expiation of this Offence. Hence also comes our Common Phrase, To give to boote, that is, *Compensatio gratia*. See *Skene de verb. Signif. tit. Bote*. See also *Hedge-bote*, *Plow-bote*, *Houle-bote*, *Theft-bote*, &c. in their proper places.

Botleless, *Sine remedio*. *Inter. Plac. Trin. 12 Ed. 2. Ebor. 48.* We retain the word still in common Speech, as, It is bootless to attempt such a thing; that is, It is in vain to attempt.

Botericia, *Butteress*. — *Rex* — *Sciatis quod emendissimus* — *Johanni de Chishull, Decano S. Pauli Lond. Thesaurarius nostro quod ipse & socii sui Decani ejusdem Ecclesie, in perpetuum habeant & teneant libere & quiete duas columnas botericias, quas idem Decanus fieri fecit a parte australi Capelle sue.* — 9 Jun. Pat. 35. Hen. 3. m. 14.

Botellaria, A Buttry or Cellar, in which the Butts and Bottles of Wine, and other Liquors are reposit. — *Venit ad Palatium Regis, & ibi in botellarium, & extrahet a quocumq; vase in dicta botellaria invento, vinum quantum viderit necessarium pro factura unius picheris claretti.* — An. 31 E. 3.

Bertha, A Booth or Tent to stand in, in Fairs or Markets. — *Et duas mensuras liberas ad bothas suas faciendas.* Mon. Angl. 2. Par. fol. 132.

Borhagium, *Boothage*, or Customary Dues pay'd to the Lord of the Mannor or Soil, for the pitching and standing of Booths, in a Market or Fair. — 19 H. 6. *Rex concessit Roberto Broke* — *Picagium, Scallagium, Borhagium, & Tollagium, una cum Assisa panis & cervisie de Novo Mercato infra Villam de Burcester, Cam. Oxon.* Paroch. Antiq. p. 680. For the Original of the word, from the old Gallic *bours*, *Leather Jacks*, see *Mr. Kenne's Glossary*.

Boithna, *butthna*, *butthena*, Seems to be a Park where Cattell are inclos'd and fed: *Heller Boethus*, lib. 7.

cap. 123. n. 35. And *Ant. Gall. lib. 11. cap. 1.* *Bothena* also signifies a Barony, Lordship, or Sheriffwick. And *Domini Bothene*, are Lords of the Batony, Mannor, &c. *Skene, de verb. Signif.*

Botiler of the King, *Pincerna Regis*, An. 43 E. 3. cap. 3. Is an Officer that provideth the King's Wines; who (as *Fleta*, lib. 2. cap. 21. saith) may by virtue of his Office, out of every Ship laden with Sale-Wines, *Unum delium eligere in prora navis ad opus Regis, & aliud in puppi, & pro qualibet Pecia reddere tantum 20 solid. Mercatori. Si autem plura habere voluerit, bene licebit, dum tamen Pretium fide dignorum judicio pro Rege apponatur.*

Bottomry, or *botomary*, Anno 16 Car. 2. cap. 6. Is, when the Master of a Ship borrows Money upon the Keel or Bottom of his Ship, and binds the Ship it self; That if the Money be not pay'd at the day limited, the Creditor shall have the Ship. 'Ceo est *Bottomage* quand' argent est borrow sur le Keil del neif, & le neif obligé' al payment de ceo, &c. *Latche's Rep. f. 52.* *Scarborough's Case*. Tho' others say, when A. B. lends a Merchant Money, and is to be pay'd a greater sum at the return of the Ship, stading to the hazard of the Voyage, tho' he receive greater Interest than six per cent. it is not Usury, but *Bottomry*.

Botata terra, An Oxgate of Land, is as much as an Ox can till. *Osso bovata terra faciunt unam carucatam, osso carucata faciunt unum fœdum militis: 28 acra terre faciunt Bovatum terræ, M. S. cum notis in Stat. Vide Oxange.*

Bourche of Court, Or, according to the Vulgar, *Badge of Court*, is a certain quantity of Provision allow'd there to a Servant. For so is the French *Avoir bouche a Court*, to have an Allowance at Court. This anciently extended as well to Noblemen's Houses, who were Subjects, as to the King's Court; as may appear by this Deed, of which we will repeat only what is material to our purpose.

Cest Endenture fait parentre luy Nobles hommes, 'Monsieur Tho. Beauchamp, Counte de Warwick, d'une part, & Monsieur Johan Ruffel de Strengesham Chevalier, de autre part, tesmoigne que le dit Johan est, &c. Et avera pur la pees, &c. Bouche un Court pur luy mesme, &c. Done a nostre Chastel de Warwick, le 29 jour del mois de March, l'an du reigne le Roy Richard le Second, pur le Conquest, fisme.

Bouche of Court, Or (as it commonly occurs) *Bowge of Court*, was an Allowance of Diet, or Belly-provision from the King, or Superiour Lord, to their Knights, Esquires, and other Retinue that attended them in any Military Expedition: From the French *bouche*, a Mouth; or rather from the Gall. *bought*, Lat. *bulga*, Engl. *budget*, of British original, for the Welsh use *bolgan*, and Irish *bolgy*, and by Metaphor for *bellows*. See *Mr. Kenne's Glossary to Paroch. Antiq.*

Boberia, An Ox-house, or Ox-stall, *Loca ubi stabulantur boves*; according to Gloss. in X Script. And *Mon. Angl. 2. parn. fol. 210.* hath these words, — *Ad faciendum ibi boverias suas, & alias domos usibus suis necessariis.* The Scotch now call a Cow-house a *byer*, as in the Ballad of Christ Kirk on the Green, — *The bolt flew over the byer.*

Boverius, A young Steer, or Bullock castrated. *Unus boverius mas, quatuor bovicule famina.* Paroch. Antiq. p. 287.

Boticula, An Heifer or young Cow, which in the East-Riding of Yorkshire they call a *Whee*, or *Why*. — *Possunt sustentari sexdecim vacca, & unus taurus cum boviculis.* Paroch. Antiq. p. 495.

Bound, or boundary, *Bunda*, For the Derivation, see Co. 4. Inst. fol. 318. how it is us'd, we may see 8 E.

Itin. Pick. fol. 6. Secundum metas, maras, bundas & Marchias Forestas.

Woto-bearer, According to *Crom. Jur. fol. 201.* Is an under Officer of the Forest, sworn to the true performance of his Office, in these words: 'I will true Man be to the Master Forester of this Forest, and to his Lieutenant; and in the absence of them I shall truly oversee, and trueinquisition make as well of sworn Men as Unsworn in every Bailiwick, both in the North Bail and South Bail of this Forest; and of all manner of Trespasses done either to Vert or Venison, I shall truly endeavour my self to attach, or cause them to be attached in the next Court of Attachment, there to be presented, without any concealment had to my knowledge. So help me God.

Wozones. See *Busones*.

Braceletts, Hounds, or rather Beagles of the smaller and slower kind. — *Rex constituit J. L. Magistrum canum suorum vocatorum Braceletts, datus ei licentiam experiendi eosdem canes, necnon habendi & faciendi cum eis scetas ad quiscumque bestias infra forestas & chaceas suas prout sibi fore videbitur faciendum pro expeditione & informatione dictorum canum.* — *Pat. 1 Ric. 2. p. 2. m. 21.*

Bracetus, *Brachetus*, Fr. *Brachet*. *Bracco Canis sagax, indagator Leporum*. Fr. *Brac*. So as *Bracco* was properly the large Fleet Hound, *Brachetus* was the Beagle or smaller Hound: *Bracheta* the Bitch in that kind. *Cart. Hen. 2. Re Angl.* — *Concedi eis duos leporarios, & quatuor bracetos ad leporem capiendum.* *Mon. Angl. tom. 2. p. 283.*

Bracenarius, Fr. *Braconier*. The Huntsman Master of the Hounds. — *Rex mandat Baronibus quod allocut Rob. de Chademoth Vicecom. Lincoln. lvi s. vii. d. quos per preceptum Regis liberavit Joh. de Bellovento pro putura septem Leporarios, & trium Falconum & Lanerar. & pro radiis unius Bracenarii, a die S. Joh. Bapt. An. 14 usq; ad vigil. S. Mich. prox. sequent. utroq; die computato. viz. pro putura cujuslibet Leporarii & Falconis i d. ob & pro radiis predicti Bracenarii per diem 11 d.* — *Comput. de Anno 26 Ed. 1. Rot. 10 in dorso.*

Bratton, Was a famous Lawyer of this Land, renowned for his Knowledge both in the Common and Civil Laws, as appeareth by his Books every where extant. He liv'd in the days of Henry the Third, *Stamf. pref. fol. 5. b.* And as some say, was Lord Chief Justice of England.

Brandy, A kind of Strong-water, made chiefly in France, of Lees of Wine; mention'd in the *Ast 20 Car. 2. cap. 1.* Upon an Argument in the Exchequer, *A. 1668.* It was resolv'd that Brandy was a Spirit. But 25. Nov. 1669. by a Grand Committee of the whole House of Commons, it was voted to be a Strong-water, and not a Spirit.

Brathia, Sax. *broth*, Broath or Pottage. — *Concessi totum feodum meum de pincernaria Glasstonie cum pertinentiis, ut in pane, vino, & cervisia, carne, pisce, sive alio quocumque genere companagii, sive leguminis, jus, brathia, & aliis quibuscunque ad feodum pertinentibus.* *Cartular. Abbat. Glasston. MS. f. 74. a.*

Brasium, Seems to signifie Malt; because in the ancient Statutes *Brasator* is taken for a Brewer, and still for a Maltster, 18 E. 2. It was resolv'd, That *Venditio brasii non est venditio vidualium, nec debet puniri sicut venditio panis, vini & cervisie, & hujusmodi contra formam statuti.*

To make Mault (*Island*. Malt) was a Service pay'd by some Tenants to their Lord. — *In manerio de Pidington quilibet vīgatarius preparabit Domino unum quarterium brasii per annum, si Dominus inveniet bescum ad sicandum.* *Paroch. Antiq. p. 496.*

Brasina, *Bracina*, *Brasinaria*, A Brew-house.

Brasitrix, A Brewing-woman, properly a Brewster. *Si qua brasitrix brasieret cervisiam solva*

tolcestre. Reg. Priorat. de Thurgaston. tom. MS.

Breach Carnium, By *Breach Carnium*, *Thomas Cren*, Master of the Hospital of St. John Baptist, without the North-gate at Chester, claims, *Quod omnes Tenentes sui infra eorum libertates residentes sint quicquid de venditione carniū. Pla. in Itin. apud Cest. 14 H. 7.*

Bread of Treat or Tritte, *Panus Tritici*, Is one of those sorts of Bread mention'd in the Stat. of Assise of Bread and Ale, 51 H. 3. Stat. 1. where you may read of Wastel Bread, Cocket Bread, and Bread of Treat, which may answer to three sorts now in use with us call'd White, Wheaten, and Houshold Bread. See *Cocket*.

Brecca, A Breach or Decay, or any other want of repair. I have seen a Deed, with Covenant for Repairing, — *Muros & breccas portas & fossatas castelli. sine dat. — de brecca aqua inter Wolwich & Greenwich supervidend.* *Pat. 16 R. 2. Dorf.*

Brede, Signifieth broad; *Brastion* useth this word, lib. 3. tract 2. cap. 15. nu. 7. proverbially thus, Too large, and too brede; that is too long, and too broad.

Bredwite, Sax. *breod*, and *pipe*, A Fine or Penalty. So as *Bredwite* seems to have been the Imposition of Fines or Amercements for Defaults in the Assise of Bread. To be exempt from that Penalty, was a special Privilege granted to the Tenants of the Honour of Wallingford, by King Hen. II. *Ut quieti sint de hidagio & blodewite, & bredewite.* *Paroch. Antiq. p. 114.*

Brehon, The Irishry call their Judges *Brehones*, and consequently the Irish Law is term'd *Brehon Law*. See 4 *Inst. fol. 358.*

Bretoys, or *Bretois*; *Henricus de Penebrugge dedit omnibus liberis, &c. omnes libertates & liberas consuetudines secundum Legem de Bretoys, &c.* where secundum Legem de Bretois, must needs signify the Law of the Marches, then in practice among the Britains; because *Penebrugge* or *Pembridge* is in Herefordshire, a Town bordering on Wales.

Breve, Which haply may be so call'd from the brevity of it, is any Writ directed either to the Chancellor, Judges, Sheriffs, or other Officers, whose variety and forms, you may see in the Register *per totum*. The word is us'd in the Civil Law according to several senses. See *Skene de verb. Signif. verb. Breve*. And *Brastion*, l. 5. tract 5. cap. 17. num. 2. *Breve, quia breviter & paucis verbis intentionem proferentis exponit, &c.* Any Writ or Precept from the King, was call'd *Breve*, which we still retain in the name of *Brief*, the King's Letters Patent to poor Sufferers, for Collection.

Breve perquirere. To purchase a Writ or License of Trial in the King's Court, by the Plaintiff, *qui breve perquisivit*. Hence the present usage of paying 6 s. and 8 d. where the Debt is 40 l. and 10 s. where the Debt is 100 l. and so upward in Suits of Money due upon Bond.

Breve de Reto. A Writ of Right, or License for a Person ejected, to sue for the Possession of an Estate detain'd from him.

Brevibus a Rotulis liberandis, Is a Writ or Mandat to a Sheriff to deliver unto the new Sheriff, chosen in his room, the County, with the Appurtenances, *una cum Rotulis*, *Brevibus*; and all other things belonging to that Office, *Reg. Orig. fol. 295. a.*

Bribery, Is a high Offence, viz. when any Man in Judicial place, or any great Officer, takes any Fee, Pension, Gift, or Reward, for doing his Office, of any Person, save the King only: *Forfeiture, cap. 51. and 3 Inst. fol. 145.*

Bribors, Cometh of the French *Bribeur*, i. e. *Mendicus*: It seemeth in a Legal signification one that pilfereth other Mens Goods, *Anna 28 E. 2. Stat. 1. cap. unico.*

Briga, French *Brigue*, that is, Strife or Contention.

Et posuit terram in Brigam, &c. he made strife about the Land, *Ebor. Hist.* 18 E. 3 Rot 28.

Brigandine, Lorica, Is a Coat of Mail; this word is us'd 4 & 5 P. & M. ca. 2. Some confound it with *Habergeon*, and others with *Brigantine*, which is a far different thing, being a swift sailing Vessel us'd at Sea, being long, but low built.

Brigbore, or Bruggbore, *Est quietum esse de auxilio dandi ad reficiendum Pontem.* *Fleta, lib. 1. cap. 47.* It is compounded of *brig*, a Bridge; and *bore*, a Compensation or yielding of Amends. See *Bore*, and *Bruckbore*. *Selden's Titles of Honour, fol. 622.*

Brithol. *K. Hen. III. in a Charter to the Citizens of Lond. dated 16. Mart. An. Regn. XI. — Ad emendationem Civitatis London. eis concessimus, quod omnes sint quieti de Brithol, & de Childwite, & de Iersigne, & de Scotall. — Placit. temp. Ed. I. & Ed. II. MS. fol. 143. b. Penes Dom. Fontaines.*

Britton, Was a famous Lawyer, that liv'd in the days of King Edward the First, at whose command, and by whose Authority, he writ a Learned Book of the Law of this Realm: The tenor runneth in the King's Name, as if it had been penn'd by himself, answerably to the Institutions which *Justinian* assumeth to himself, tho' compos'd by others, *Stans. prer. fol. 6. & 21.* Sir Edward Coke saith, That this *Britton* writ his Book in the Fiftieth Year of Edward the First, *Lib. 4. fol. 126. a. & lib. 6. fol. 67. a.* Mr. Guin, in his Preface to his Reading, mentioneth, That this *John Britton* was Bishop of Hereford.

Brocage, Is commonly taken for the wages or hire of a Broker. In 12 R. 2. cap. 2. it is taken for the means us'd by a Spokesman. *Anno 1 Jac. cap. 21.* It is written *Brokerage*. See also 11 Hen. 4. n. 28. not printed.

Brochia, An Awl, or a large packing Needle, carry'd as a necessary Implemen to mend Sacks, Saddles, and other Horse-geer. From the French *Broche*, a Spit, which in some Parts of England is call'd a *Broche*. Whence to broach or pierce a barrel: *Lat. Brochia, Brochie, Gall. Brocher.* Armor. *Brocten* were sharp wooden Stakes, which, as us'd upon the Sea-banks in *Ramney-March*, are call'd Needles. It is true the Learned *Spelman* did conjecture the word *Brochia*, or *Brocha*, to be a sort of Can or Pitcher, to hold liquid things, as *Saccus* to carry dry things: As it is render'd in the following word *Brochia*. But it seems much rather to signifie, as I have before explain'd it, an Awl, or a Needle. It was certainly an Iron Instrument, as in this Authority, — *Henricus de Havering tenet manerium de Morton, Com. Essex, per Serjantum inveniendi unum hominem, cum uno equo, pret. x s. & quatuor ferris equeorum, & uno sacco de corio, & una brochia ferrea.* — *Anno 13 Ed. 1.*

Broccella. — *dedi unam broccellam vocatam Rahag.* *Reg. de Thurgarton. MS. Dr. Thoroten* interprets it a Wood. I have not elsewhere met with the word, nor know I whence to derive it. (*So Blount*.) The word did properly signifie a Thicket or covert of Bushes, and *Brush-wood*; from the obsolete *Lat. bruscia, brusca, terra bruscosa, brocia*; French *broce, brocelle*. Hence our *brance*, or *brouse* of wood, and *brausing* of Cattle.

Brochia. A great Can or Pitcher, *Brachon, lib. 2. tract. 1. cap. 6.* hath these words, *Si quis teneat per servitium inveniendi Domino Regi, certis locis & temporibus, unum hominem & unum equum, & saccum cum brochia, &c.* By which it seems that he intends *Saccus* to carry dry, and *Brochia* liquid things. See *Saccus*, and *Brucha*.

Brodehalpeny. In some Copies *Broad-half-peny*, and in others *Bordhal peny*. It signifies to be quit of a certain Custom exacted for setting up of Tables or Boards in Fairs or Markets: and those that were freed by the King's Charter of this Custom, had this word put in their Letters Patents; by reason whereof at this day,

the Freedom it self, for brevity of Speech, is call'd *Broad-halpeny*. It seems to be deriv'd of three Saxon words, *bret* or *bred*, that is, a Board, and *halve*, that is in the behalf of, as we say in Latin (*cujus rei gratia*) and *penning*, a Toll, which in all makes a Toll in behalf of, or for a *Beard*.

Broggers. See *Brokers*.

Broke, Commonly call'd Sir Robert Broke, was a great Lawyer, and Lord Chief Justice in Queen Mary's time, *Crompt. Just. of Peace, fol. 22. b.* He made an Abridgment of the whole Law, from him intituled *Broke's Abridgment*.

Broker, Brocarius, Seemeth to come of the French word *Broieur*; that is, *Tritor*, a Grinder or Breaker into small pieces; because he that is of that Trade, to deal in matters of Money and Merchandise, between Englishmen and Strangers, draws the bargain into particulars, not forgetting to grind out something to his own Profit. These Men be call'd Broggers, 10 R. 2. cap. 10. In Scotland they be call'd *Broccarii*, that is, according to *Skene de Signif. verb.* Mediators, or Intercessors in any Transaction, Passion, or Contract, as in Buying, Selling, or Contracts of Marriage. Broggers of Corn, are us'd in a Proclamation of Queen Elizabeth for Badgers, *Baker's Chron.* in her Reign. He that will know what these Brokers were wont and ought to be, let him read the Statute 1 Jac. cap. 21. These in Civil-Law, are term'd *Proxineti*, as also of some *Licitatores & Mediatores*, tit. *de Proxinet. in Digestis*. There is another sort of Brokers, commonly call'd *Pawn-brokers*, who commonly have a Shop, and let out Money to necessitous People upon Pawns, not without Extortion: These we may call more properly *Eriperers*, and are neither of that Antiquity or Credit as the other; nor does the Statute allow them to be Brokers, tho' they are so vulgarly call'd.

Broderers. This may take its Derivation from the French *Brodeur*, and that of *Bordure, Fimbria*, the Edge or Hem of a Garment, which we yet call *Border*, and that because it is usually distinguish'd from the rest by some conceit or costly work: He that worketh it, is known among us by the Name of an Embroiderer.

Brok, An old sort of Sword, or Dagger. — *Jurati dicunt super Sacramentum, quod Johannes de Monesme Miles per Robertum Armigerum suum, percussit Adam Gilbert Capellannum de Wilton, in gulture quodam gladio, qui dicitur brok, per quod propinquior erat morti, &c.* Rot. Parl. 35 E. 1.

Broffus, Bruis'd, or hurt with blows, wounds, or other casualties. — *Mandatum est a Domino Rege, ne quis mallet broffas bestiarum in Oxonia.* — *Claus. 12. E. 2. P. 3. Dors 2.*

Brothel-houses. *Kin Henry 8.* by Proclamation 30 March, 37 Year of his Reign, suppress'd all the Stews, or Brothel-houses, which long had continu'd on the Bank side in *Southwark*, 3 Inst. fol. 205. and Rot. Parl. 14 R. 2. n. 32.

Bruckbore, Is compounded of two German words, *Bruck, Pons*, a Bridge, and *Bore, Compensatio, Reward*; It signifieth with us a Tribute or Duty, toward the mending or re-edifying of Bridges, whereof many are freed by the King's Charter; and thereupon the word is us'd for the very Liberty or Exemption from this Tribute. See *Pentage*, and *Brigbore*.

Brudatus, Bordered, Embroidered. *Ranulphus Episcopus Eliensis, contulit Monachis quoddam vestimentum croceum, cappam scilicet & casulam cum dorali imaginibus brudato, & duas tunicas.* — *Albam bonam brudatam, cum imaginibus.* Hist. Elien. apud Wharton Angl. Sac. P. 1. p. 604.

Brutere. We call that which the Latines name *Erica*, and signifies Heath: *Brutaria 2. leucarum longitudine & latitudine: Doom's-day. Hac autem appellatione forenses vocant steriles campos licet Ericam non edant.* *Spelman.*

Bauetia, Briars, Thorns, Brush, Heath. *A. Sax. Brar, Briat. A.D. 1434. Humphry D. of Gloucester, acknowledges the Forester of Shotore and Stowode, tantum de arboribus & brueriis, quantum pro uerfurâ indignioris—habebit. Paroch. Antiquit. p. 620.* Hence Lat. *Brullum, broilum, brulium, Brullium*, a Hunting Chase, or Forest. *Brullus, brogillus*, a Wood, a Grove. Fr. *Brail, brâil, brâill, a Thicket or Clump of Trees, in a Park or Forest.* Hence the Abbey of Bruer, in the Forest of Whichwood, Com. Oxon. and *Brucel, Brebul, or Brill*, a Hunting-Seat of our ancient Kings in the Forest of Bernwode, Com. Buck.

Bruillettus, A small Copps or Thicket, a little Wood. — *Dedimus Willielmo Briwer licentiam claudendi duos bruillettos, qui sunt extra regardam Forestie nostre quorum unus est inter Swinburn & Estorbrig. Cart. Ric. 1.*

Brushment, Small Wood, or Brush. *Cartul. Forest. cap. 14.*

Bucklarius, A Buckler. — *Et quod masculiores noctanter cum gladiis & bucklariis, ac aliis armis, &c. Claus. 26. Ed. 1. m. 3. intus.*

Buckstall. By 19 H. 7 cap. 11. seems to be a Deer-hay, Toyle, or large Net to catch Deer; which by that Statute none may keep, but he that hath a Park of his own, under the Penalty of 40 li. What is to be quit of Buckstalls, see 4. Inst. fol. 306.

Buckwheat, Is mention'd 15 Car. 2. cap. 5. and in truth the same with French Wheat, and well known in many Counties among us of late Years.

Bucinus, A Military Weapon for a Footman. — *Petrus de Chetwode tenet — per Serjantiam inueniendi unum hominem peditem, cum una lancea & uno bucino ferreo, per xl dies. Tenures p. 74.*

Budge of Court. See *Bouch de Court.*

Buggetum. — *A. D. 1313. 3. Kal. Jan. Episc. Bath. Well. concedit annuum pensionem duarum marc. cum tertia parte unius panni de secta Clericorum nostrorum, & una furura de bugeto, pro superintencia, & alia pro capucio. Registr. Joh. Drokenesford Episc. Bath. Well.*

Buggerie. According to Co. Rep. 12. pag. 36. Comes from the Italian *Buggerare*. It hath been defin'd to be *Carnalis copula contra naturam, & hoc vel per confusione Specierum, sc. a Man or Woman with a brute Beast; vel Sexuum, a Man with a Man, or a Woman with a Woman; See Levit. 18. 22, 23.* This Offence committed either with Man or Beast is Felony without benefit of Clergy, being a Sin against God, Nature, and the Law, 25 H. 8. reviv'd, and 3 Eliz. 17. It was brought into England by the Lombards, as appears Rot. Parl. 50 E. 3. num. 58. See F. N. B. 269. and Dalton. In ancient times such Offenders were to be burn'd by the Common Law. This most detestable Sin was most justly excepted out of the Act of General Pardon, 12 Car. 2. cap. 8. made after his Majesty's Happy Restoration.

Bulga, *Bulgia*, A Budget, Port-mantue, or any other Continent for portable Goods. — *Bulgias & manticas eorum effreri, & expilari iussit. Will. Malmesbur. de Gestis Pontif. lib. 1. See Bouche of Court.*

Bull, Seemeth to be deriv'd from the Greek *Bulla*, *Consignum*, as *Polydore Virgil* saith, *De Invent. Rer. lib. 8. cap. 2.* It is an Instrument so call'd, granted by the Bishop of Rome, and seal'd with a Seal of Lead, containing in it his Decrees, Commandments, or other Acts, according to the nature of the thing for which it is granted: And these Instruments have been heretofore us'd, and of force in this Land; but by the Statute of 28 H. 8. cap. 16. it was Enacted, That all Bulls, Briefs, Faculties, and Dispensations, of whatsoever name or nature, had or obtain'd from the Bishop of Rome, should be altogether void: see *Rast. 328.* The word is often us'd in other Statutes, as 1 & 2 P. & M. cap. 8. 13 Eliz. cap. 2. *Mat. Paris, An. 1237.* describes its Seal thus, in

Bulla Domini Papae stat imago Pauli a dextris Crucis in medio Bullae figurata, & Petri a sinistris. But now, as we said, they are diffus'd among us, and therefore need no further Description. *William de Brinkie* recover'd by Verdict against *Otho*, Parson of the Church of *Roston* 10 libras, pro subtractione unius Bullae Papalis de ordinibus, alterius Bullae de legitimatione, & tertiam Bullam de Veniam exorantibus pro Animabus Antecessorum suorum. *Placit. Trin. 4 Edw. 3. Rot. 1. 100.*

Bullenger, The Commons Petition, that certain Commissions issu'd to Cities, for the preparing Boats and *Bullengers* may be repeal'd, the Parliament not having consented thereto, *Rot. Parl. 2 H. 4. n. 22.*

Bullion, Cometh of the French *Billen*, the Ore, or Metal whereof Gold is made: It signifieth with us Gold or Silver in Mass or Biller, 9 E. 3. Stat. 2. cap. 2. And sometimes the King's Exchange, or place whither such Gold in the Lump is brought to be try'd, or exchange'd, Anno 27 E. 3. Stat. 2. cap. 14. 4 H. 4. 10. See *Skene de verbor. Signif. verb. Bullion.* *Gervase of Tilbury* says, (writing of the Salt-springs in *Worcestershire*) That of old they call'd a certain quantity of Salt, *Bullion*.

Bullitio Salis. As much Brine or Salt, as is made from one boiling. What the Learned *Dufresne* calls *Bullio*, and makes to be *Mensura Salinaria*, is no other than *bullitio*, one wealing or boiling. So are the *Bullones*, in *Mon. Angl. tom. 2. 256.* — *De quatuor summis salis continentibus quadraginta bullones, pro dimidia salina sua.* — *Rectius in libro censuali apud Nantwich, — Oïso putei salinarii reddebant Regi & Comiti singulis veneris diebus sexdecim bullitiones.* — The Measure seems uncertain, according to the quantity of their Pits, Cisterns, &c. The last Ingenious Editor of *Cambden*, thinks the *Bullitio Salis*, might be the same with a *Barrow*, or Measure of twelve Gallons.

Burcifer Regis, Properly *Barfifer*. The Purse-Bearer, or Keeper of the King's Privy-Purse. *Pat. 17. H. 8. P. 1. m. 2.*

Butell, Is the branny remainder of Meal that hath been dress'd, And the bag wherein it is dress'd, is call'd a *Butler*, or rather a *Boulter*; the word is mention'd in the Statute entituled, *Assisa panis & cervisie*, 51 H. 3. Hence *bulted*, or *boulted Bread*.

Burghbitch, From the Germ. *Beutel*, a Sieve, *Beutelen*, to bolt or sift. *Gall. beluter, bluter*; which *Ménagius* fancies to bear Affinity with the Lat. *volutare*. The Modern French *bluster*: Hence the Lat. *Bolendarius, Bolengerius*, Fl. *Boulen*, Fr. *Boulinger*, a Baker, or Bread-maker.

Bunda. See *Bounds*.

Burcheta, A kind of Gun, mention'd in the *Forest Records*.

Burells. King *Henry the Third* granted to the Citizens of *Lond.* that they should not be vex'd for the *Burels*, or Cloath list'd according to the Constitution made for breadth of Cloth, in the Ninth Year of his Reign. See *Stow's Survey of Lond. f. 297.*

Burgbere, Compounded of *Burg*, *Castellum*, and *Bote*, *Compensatio*; signifies a Tribute or Contribution toward the building or repairing of Castles or Walls of Defence, or toward the edifying a Burrough or City; from this divers had Exemption by the ancient Charters of the *Saxon Kings*, whereupon it is usually taken for the Exemption or Liberty it self, *Rast. Exposition of words. Eleta* says, *Significat quietantiam reparacionis murorum Civitatis vel Burgi, lib. 1. cap. 47.*

Burg-Englisch. See *Burw English*.

Burgage, *Burgagium*, Is a Tenure proper to Cities, Borows and Towns, whereby the Burgers, Citizens, or Townsmen, hold their Lands or Tenements of the King, or other Lord, for a certain yearly Rent: Old Tenures. It is a kind of *Socage*, *Swynburne, part. 3. sect. 3. n. 6.* *Habentur inter ignobiles tenuras qui ad militiam non pertinent,*

inct. 37 H. 8. 20. Anciently some call'd a Dwelling-house in a Borow-Town, a *Burgage*.

Burghbrech, or Bozgbrech. *Angli omnes decem-virali alim fide-jussione pacem regiam stipulati sunt, quod autem in hanc commissum est, Burghbrech dicitur, &c. Vide Leg. Canuti, cap. 55. Burghbrech est Lesio libertatis aut sepri, Polychron. lib. 1. cap. 50.*

Burghbreche, A Fine impos'd on the Community of a Town, for breach of Peace, &c.

Burgherith. I suppose it should be *Burgherich*, that is, *Violatio pacis in Villa.* The word is us'd in *Doomsday*, and so expounded by Mr. *Agar* of the *Exchequer*.

Burghbote. Sax. *Burg, Burgh, Burgus*, and *Bote, Emendatio, Compensatio*: A Contribution towards the building or repairing of Castles or Walls of Defence, or towards the building of a Borough or City. From which Duty several Persons have obtain'd an Exemption, by the ancient Charters of our Saxon Kings: whence the word is often taken for the Liberty, or Exemption from such Customary Service, *Rassal*. — *Significat quietantiam reparationis murorum civitatis vel burgi. Fleta, lib. 1. cap. 47.*

Burghmote, A Court of a Borow or City: *Et habetur in anno ter Burges-motus, &c. & interis Episcopus & Aldermanus, & decant ibi Dei rectum & seculi, Leg. Canut. M. S. cap. 44.* Hence in the City of London they still have their *Wardmote*, &c.

Burgherith. — *Iste consuetudines pertinent ad Taunton, Burgherith. Latrones, pacis infractio, Hamfare, Denarii de Hon. dici, & Denarii S. Petri. MS. Cambdeni, penes Will. Dugdale Armig. quare. So Mr. Blount. The word occurs in Doomsday Book, sub tit. So meser. Episc. Winton. Tanton. Iste consuetudines, &c. So a Charter of Edmund King, An. 944. in Will. Malmesbury, lib. 2. de Gestis Rerum Angl. — Concedo Ecclesie S. Marie — jura, consuetudines, & forisfacturas — i. e. Burgherith & hundred. Setbna, &c. Mr. Somner thinks it should be *Burghrich*.*

Burglary, Burglaria, Is compounded of two French words *Bourg, Pagus*, and *Larcin, furtum*, or *Laron, fur*. Co. lib. 4. fol. 39. It is in the legal sense defin'd to be, felonious entring into another Man's dwelling, wherein some Person is, or into a Church in the Night-time, to the end to commit some Felony, as to kill some Man, or to steal somewhat thence, or do some other felonious Act, albeit he executes not the same, *Wist. Symb. part. 2. tit. Indictments, sect. 56.* Burglary in the natural signification, is nothing but the robbing of a House; but as it is *Vox Artis*, the Lawyers restrain it to robbing a House by Night, or breaking in with an intent to rob or do some other Felony. The like Offence committed by Day, they call *House-robbery*, by a peculiar Name. How many ways Burglary may be committed, see *Crompt. Just. of Peace*, fol. 28, 29, 30, and 3 par. *Inst. fol. 363.* The Offenders shall not have benefit of Clergy, 18 Eliz. 7.

Burghware, A Citizen or Burges, *Quasi vir Burgi*: It is us'd in the Charter of William the Conquerour, to the Londoners, *Willielmus Rex salutat Willielmum Episcopum, & Goffredum Portgeseum, & omnem Burghware infra London, &c.*

Burlimen. See *Sucking*.

Burrochium. A *Burrock*, or small Wear, where Wheels are lay'd in a River, for the taking of Fish.

Bursa, A Purse, — *Reddendo inde ad Bursam Abbas, &c. Ex lib. Cart. Priorat. Leom.*

Bursaria. The Bursery, or Exchequer of Collegiate and Conventual Bodies, or place of receiving, and paying, and accounting by the *Bursarii*, Bursers. A. D. 1277. *Computaverunt Patres Radulphus de Meri-*

ton, & Stephanus de Oxon. de bursaria domus Berneſtre coram Auditoribus. Paroch. Antiq. p. 288.

Bursarii. This word did non only signify the Bursars of a Convent or College, but formerly all Exhibitioners, or Stipendiary Scholars at Paris, were call'd *Bursarii*, as they liv'd on the Burse or Fund, or Contribution of Benefactors. — *In ea Universitate (scil. Oxon.) sunt clara Collegia a Regibus, Reginis, Episcopis, & Principibus fundata, & ex Stipendiis eorum Scholastici plurimi utuntur quos Parisiis Bursarios vocamus. Joh. Major, Gest. Scot. lib. 1. cap. 5.* So among the Cistercian Monks, the *Bursarii* were the Novices or Young Scholars sent to the University, and there maintain'd by the Religious out of their publick Burse, or Stock.

Burse. A word us'd in *Doomsday*, of which Mr. *Agar* thus: It may be this word is written for *Bury*, which sometimes I read in this Book, and *Bure* is that which the Duchmen call a *Bore, Colonus*, a Peasant.

Busca, or *Buscus*, Underwood, or Brushwood. See *Boscu*.

Busones Comitatus, *Justiciarii vocatis ad se quantur vel sex, vel pluribus de Majoribus comitatus, qui dicuntur Busones comitat. & ad quorum nutum dependent vota aliorum. Bracl. lib. 3. tract. 2. cap. 1. num. 1. Sed quare.*

Bussellus, A Bushel; from *Buza, Butta, Butis*, a standing Measure of Wine; *Butticella, Butticellus, Bussellus*, a less Measure. From the old Gall. *Bouts*, Leathern Containers of Wine. Whence our Leather Boots, and Buskins, and Budget, and Bottles. Sax. *Bytta*, us'd for Bottles in the Saxon Gospel, St. Mat. 9. 17. The Bags of Leather, in which they lately carry'd Water, from the Severn into the City of Worcester, were hence call'd *Byttes*, and each Load of Water was term'd a *Bytte* of Water. See Mr. *Kennet's* Glossary in *Bussellus*.

Busta, A Misnomer for *Busca*. — *Unam circulatam Busta singulis septimanis in bosco prædicto. Mon. Angl. vol. 1. p. 473.* elsewhere I find *cum spinis & bustis*; where it seems to signify Trowse, or Tynet for repair of Hedges.

Butt, As a Butt of Malmsey, containing at least 126 Gallons, Anno 1 R. 3. cap. 13. It signifies also the place where Archers are wont with their Bows and Arrows to shoot at a Mark, which we at this day call Shooting at the Butts.

Buttes, The ends or short pieces of Land in Arable Ridges and Furrows. See *Abuttare*.

Butterage of Wines, Signifies that Imposition of Sale of Wine brought into the Land, which the King's Butler, by virtue of his Office, may take every Ship, 1 H. 8. cap. 5. For which see more in *Buttler* of the King, the Statute 12 Car. 2. cap. 24. for taking away Purveyances, extends not to this ancient Duty. See *Calthorpe's* Rep. of Special Cases, pag. 23. and 4. *Inst. fol. 30.*

Butsecarle, Buthecarle, Butsecarle, or *Bo testarle.* The same with *Boatswain*, or *Mariner*. Seld. Mar. Claus. 184.

Butrum terræ. A Butt of Land. — *Dedi decem acras, & unum butrum terræ, cum capaciis & sidlingis prati, ad eandem terram pertinentibus. Cart. III de Sibbford, penes Will. Dugdale Mil. Vid. Abuttara, Butta.*

Buzo-onis, — *Gulielmus de Greſeley tenet muner. de Drakelow. Com. Derb. in capite per servitium reddendi unum arcum sine corda, & unam pharetram de tuerbit, & duodecim sagittas flectatas, & unum buzonem. Radulphus de Stopham tenet muner. de Brianſtan, Com. Dorset. per Serjaniam, inveniendi Domino Regi garcionem deferentem unum arcum sine corda, & unum buzonem sine pennis. S. E. 1.* — It seems to be the Shaft of an Arrow, before it is fleg'd or feather'd.

Buzones Iudiciorum. See *Busones comitatus*. *Wydale. 26 H. 8. cap. 6. See Bisdale.*

Byrlam, or Burlam. See *Bylaw*, *Scena de Signif.* verb. p. 33. — **Bye, An Habitation, Doomf-day.**

C.

Itera C. apud Veteres nota fuit condemnationis, unde Proverbium inter Græcos τὸ χεῖρ ἰδικεῖς ἰδὲ τὸ K.

Cablist, Cablicia. Among the Writers of the Forest Laws, signifieth Brushwood, *Crompt. Jurisd. fol. 165. Manwood's Forest Laws, cap. 25. n. 3. pag. 541. calls it Browse-wood.* See *Itiner. Lanc. 10 E. 3. fol. 172. Itiner. Pick.* But Sir Henry Spelman thinks it more properly signifies Windfall-wood, because of old written cadibulum, from cadere.

Caballa. Belonging to Horse; from the Lat. word *Caballus*: *Doomf-day, Mr. Agar.*

Cabo de bona Esperanza. See *Cape de bona Esperanza.*

Carchepollus. A Pursevant, a Bayliff, a Catchpole. — *In stipendiis Ballivi xiii s. i. d. in stipendiis unius Præpositi xxvi s. vi d. in stipendiis unius Carchepolli per An. ix s. viii d. Conluetud. Domus de Parendon. MS. f. 23.*

Cade, Of Hettrings is 500; of Sprats 1000. *Book of Rates, fol. 45.*

Caducus Morbus. The Falling-sickness, or Epilepsie. — *A. D. 1227. Willelmus Scottus Archidiaconus Wigorn. electus Episc. Dunelm. contra quem obiectum est quod non fuit natus de terra Regis Angliæ, & insuper morbum caducum patiebatur. Chron. Priorat. Dunstaple. MS. Bibl. Cotton. Tiber. A. 10.*

Calamitus. The word seem us'd for a Stick, or Gag put into the Mouth of Dogs, to prevent their Barking. — *Ignaviter & prorsus inutiliter, veluti canes non latrantes, sed tuncquam in ore calamitum habentes, Ecclesie bonis incubare. Giral. Cambrensis apud Whartoni Angl. Sac. P. 2. p. 614.*

Cagita. A Cage for Birds, a Coop for Hens. — *Mandatum est Pisco. Wilt. quod erat in balliva sua 100 bacones, & 300 gallinas, cum cagis, in quibus eadem galline poni possunt. Ex Rot. Claus. 38. H. 3. m. 9.*

Calamus. Is a Cane, Reed, or Quill; the divers kinds whereof you have in *Gerards Herbal, lib. 1. c. 24.* This is compris'd among Merchandise, and Drugs to be garbled, by 1 *Jac. cap. 19.*

Calendring of Wozfreds, Spoken of 5. H. 8. cap. 4. and 35 H. 8. cap. 5. It signifies to smooth, trim, and give them a Gloss; and is a Trade us'd both in London and Norwich.

Calangium, Challenge, Claim, or Dispute: *Sciatis, &c. quod ego Godefridus, &c. dedi, &c. sine aliqua reclamacione seu calangio, &c. Boscum qui fuit in calangio inter ipsum & Walterum. Mon. Angl. 2. par. fol. 252. b.*

Calcea, Calceia. A Road or Highway, maintain'd and repair'd with Stones, and Rubbish; from the Lat. *Calx*, Chalk, French *Chaux*; whence their *Chaussee*, our Causeway: or Path rais'd with Earth, and pav'd with Chalk-stones, or Gravel. *Calcagium*, was the Tax or Contribution pay'd by the Neighbouring Inhabitants toward the making and repairing such Common-roads. *Calcearum Operationes*, were the work and labour done by the adjoining Tenants; from which Duty some Inhabitants, were by Royal Charter, especially exempted. See Mr. Kennet's Glossary.

Calcretum, & Calcreata. A Cawsey, or Cawseway: perhaps so call'd quia pedibus calcatur.

Calcaria, A Cauldron, or Copper. — *Instituabant fieri strepitum maximum & fragosum rudentibus singulis & flagellantibus clipeos & galeas, sellas & assers, dolia & fustones, pelves & scutellas & cal-*

darias, & quodcumque ad manum erat instrumentum. Gaufr. Vincens. Ric. Reg. Iter. Jerof. 1. 4. c. 13.

Calend, Calende, Was among the Romans the first Day of every Month, to which if we add *Pridie*, it is the last Day of every Month, as *Pridie Calend. Septemb.* is the last Day of August; if any number be set before it, as *Decimo, Nono, Octavo, &c. Calend. Sept.* is the 22, 23, 24 of Aug. In March, May, July and October, the Calends begin at the Sixteenth Day, in other Months at the Fourteenth; and they must ever bear the name of the Month following, and be numbred backwards from the first Day of the said following Months. See more in *Hopton's Concordance, pag. 69.* See also *Idea* and *Nones.* *Diurnum de Kenelworth* is dated the Day before the Calends of November, 1256. In the Dates of Deeds, the Day of the Month by *Nones, Ides* and *Calends*, is sufficient, 2. *Inst. fol. 675.*

Camera, From the old German *Cam, Cammer*, Crooked: whence our English *Kambo, Arms in Kembo; a Comb, in the North a Camb;* the present Irish use *Camera* for a Bed: *Camera* signify'd at first any winding or crooked Plat of Ground. *Tres cameras ad vineam — unam cameram terra — i. e. a nook of Ground. Vide Du-fresne in voce.* The word was afterwards apply'd to any vaulted or arched Building, especially to an open Stall, or Shop for sale of Goods; and was by degrees more particularly restrain'd to an Upper-room, or Chamber. See Mr. Kennet's Glossary to Parochial Antiquities.

Calipodium, Calapodium, Gallipodia, Gallicshoes, Galashoes. Among the Injunctions prescrib'd by Philip Repingdon Bishop of Lincoln, to Vicars, School-Masters, &c. in the Year 1410. it is thus ordain'd, — *Quod dicti Vicarii & Clerici quicumque, & precipue cum fuerint revestiti in honestis togis suis, cum longis manicis que vulgariter Pokes nuncupantur — basardos & calapodia deponant, que in Ecclesia strepitum faciunt, & generant malum sonum. Reg. Repingdon Episc. Lincoln.*

Camita, Camlet, or a fine Stuff made at first purely of Camel's Hair. — *Ricardus de Bury Episc. Dunelm. contulit Ecclesie vestimentum de nigra camica, cum tribus capit ejusdem sectæ. Hist. Dunelm. apud Whartoni Angl. Sac. P. 1. p. 766.*

Campana bajula, A small portable Hand-bell, much in use among other ceremonious Fopperies of the Roman Church; and still innocently retain'd among us by Sextons, Parish Clerks, and publick Criers. — *Quatuor eas muneribus Patriarcha donavit, Altari videlicet portatili consecrata, campana bajula, baculo insigni, & unica ex auro contexta. Reversi in patriam sua quisque dona miraculose percepit. David quidem in Monasterio cui nomen Langevilach nolam & altare. Giral. Cambr. apud Whartoni Angl. Sac. P. 2. p. 637.*

Campartum, Any part or prtion of a larger Field, or Ground; *Champeriz*, a Share or Division of what would otherwise be in grofs or common. — *Rex custodi Insularum de Gernsey, &c. in perpetuum reddantur decima de camparto nostro in eadem Insula — Dat. 27. Nov. 19 H. 3. Prinne Histor. Collect. vol. 3. p. 89.*

Campe-fight. See *Champion*, and 3. *Inst. fol. 221.*

Candlemas-day, The Feast of the Purification of the Blessed Virgin Mary, Febr. the Second; and instituted in the Memory and Honour of the Purification of the said Virgin, being the fortieth Day after her happy Child-birth, according to the Law of Moses, *Levit. 12. 6.* It is nominated *Candlemas*, because, before Mass, that Day is said to be consecrated, and set apart for sacred use, Candles for the whole Year, and made a Procession with some of the said hallowed Candles, in Memory of the Divine Light, wherewith Christ enlightened the Church at his Presentation in the Temple, when by old Simeon entituled, *A Light to lighten the Gentiles*, as

it is in the Gospel of St. Luke, cap. 2. vers. 32. This is no Day in Court, for the Judges sit not, and is the Grand Day in that Term of all the Inns of Court.

Cancelare manus, To cancellate the Hands, i. e. to lay them travers or cross one another, as the Poor Children on the Foundation of Queen's College Oxon, do attend the Provost and Fellows at Table, *Manibus cancellatis*, with their Hands leaning across on the one side of the Table. — *Extendit collum genuflectendo cancellatis manibus super pectus suum, ita decollatur.* Clem. de Maydestan, de Martyrio Ric. Scrope Archiep. Ebor. apud Wharton Angl. Sacr. P. 2. p. 373.

Canna, A Rod in measure of Ground, or Distance. — *Papa Clem. IV. Pont. sui An. 1^o, concedit Generali & Provincialibus Ministris ac universis Fratibus Ordinis Minorum Fratrum in Anglia — ut nulli seculari vel Religioso Ecclesiam vel Monasterium seu Oratorium jam adscriptum in aliquem locum transferre liceat infra spatium 300 cannarum ab ipsorum Ecclesiis mensurandarum.* — *Volumus quamlibet ipsarum cannarum octo palmerum longitudinem continere.* Ex Registr. Walt. Giffard Archiepisc. Ebor. f. 45

Canon. The word was formerly us'd for any Prestation, Pension, or other customary Payment. — *Si vero dicti Prior & Monachi aliquo predictorum terminorum cessaverint ad solutionem firme dictae Ecclesiae de Rading, prater debitum canonem illius termini dimidium marcam argenti.* — Cartular. Rading. MS. — *Willielmus Episc. Wigorn. concessit Abbati & Conventui de Evesham Annum Canonem xv marc. ad constructionem operis Ecclesiae de Evesham, de Ecclesia de Ambreshuri.* Test. Simone Abb. Perfore. Petro Archid. Wigorn. Ex Cartul. Abbat. de Evesham. MS. Cotton. f. 13.

Canon Religiosorum. A Book wherein the Religious of every greater Convent had a fair Transcript of the Rules of their Order, frequently read among them as their Local Statutes; which Book was therefore call'd *Regula*, and *Canon*. The publick Books of the Religious were these four. 1. *Missale*, which contain'd all the Offices of Devotion. 2. *Martyrologium*, a Register of their peculiar Saints and Martyrs, with the place and time of Passion. 3. *Canon or Regula*, the Institution and Rules of their Order. 4. *Necrologium or Obituarium*, in which they entred the Death of their Founders and Benefactors, to observe the Days of Commemoration for them. But as the two first, so likewise the two later were sometimes join'd in the same Volume. — Mr. Kennet's Glossary.

Canestellus, A Basket. In the Inquisition of Serjancies, and Knights Fees, in the 12 and 13 Years of King John, for *Essex* and *Hertford*. — *Johannes de Liffone tenet — per Serjantiam faciendi canestellos, i. e. John of Liffon, held that Mannor by the service of making the King's Baskets.* Ex Libro Rub. Scacc. fol. 137.

Canter, Seems to signifie the same with that we now call *Lumpe*, as to buy by Measure, or by the *Lumpe*. See *Pelton, Temp. H. 3. E. 1. or E. 2. cap. 4. & 9.* It signifies also a piece of any thing, as a *Canter* of Bread, Cheese, and the like.

Cantered, Is as much in *Wales* as an Hundred in *England*; for *Cantere* in the Brittain Tongue signifieth *centum*; the word is us'd 28 H. 8. 3. See Mr. Kennet's Glossary, in voce *Canteredum*.

Capacity, Capacitas, An Ability, or Fitness to receive: In Law it signifies, when a Man, or Body Politick, is able to give or take Lands, or other things, or to sue Actions. As an Alien born, hath a sufficient Capacity to sue in any Personal Action; but in a Real Action, it is a good Plea to say, *He is an Alien born*; and pray, *If he shall be answered*, Dyer, fol. 3. pla. 8. If a Man enfeoff an Alien and another Man, to the use of themselves, or, &c. it seems that the King shall have the moiety of the Land for ever, by reason of the In-

capacity of the Alien, Dyer, fol. 283. pla. 31. By the Common-Law, no Man hath Capacity to take Tythes, but Spiritual Persons, and the King, who is a Person mixt; our Law allowing him two Capacities, a Natural, and a Politick. But a Layman, who is not capable of taking Tythes, was yet capable to discharge Tythes in the Common-Law in his own Land, as well as a Spiritual Person. See Co. lib. 2. fol. 44.

Cape de bona Speranza, Or the Cape of Good Hope; a Promontory that lies in *Africa*, within the Tropick of *Capricorn*, on the edge of *Ethiopia Inferior*, and first discover'd by the Portuguese, under the command of *Bartholomew Dias*. See Speed's Map of *Asia*, in his Theatre Brit. It is mention'd in the Statute 12 Car. 2. cap. 18.

Cape, Is a Writ Judicial, touching Plea of Land or Teneements; so term'd (as most Writs be) of that word in it self, which beareth the chiefest end and intention thereof. And this is divided into *Cape Magnum*, and *Cape Parvum*, both which (as is before said in Attachment) take hold of things immoveable, and seem to differ between themselves in these Points: First, Because *Cape Magnum*, or the Grand Cape, lieth before appearance, and *Cape Parvum* afterwards. Secondly, The *Cape Magnum* summoneth the Tenant to answer to the Default, and over to the Demandant. *Cape Parvum* summoneth the Tenant to answer to the Default only; and therefore is call'd *Cape Parvum*, or in the French English *Petit Cape* Old Nat. Brev. fol. 161, 162. Yet *Ingham* saith, That it is call'd *Petit Cape*, not because it is of small Force, but it consisteth of few words: *Cape Magnum*, in the Old Nat. Brev. is thus defin'd; This is a Judicial Writ, and lieth where a Man hath brought a *Præcipe quod reddat* of a thing that toucheth Plea of Land, and the Tenant make Default, at the day to him given in the Writ Original, then this Writ shall go for the King, to take the Land into the King's hands, and if he comes not at the day given him by the Grand Cape, he has lost his Land, &c. A President and Form of this Writ, you may see in the Register Judicial, f. 2. b. It seemeth after a fort to contain in it the effect (*missio in possessionem & primo & secundo decreto*) among the Civilians: For as the first Decree seizeth the thing, and the second giveth it from him that the second time defaulteth in his Appearance: So this Cape both seizeth the Land, and also assigneth to the Party a farther day of Appearance; at which, if he come not in, the Land is forfeited: Yet is there difference between these two Courses of the Civil and Canon-Law. First, For that *missio in possessionem* toucheth both Movable and Immoveable Goods, whereas Cape is extended only to Immoveable. Secondly, That the Party being satisfy'd of his Demand, the remanet is restor'd to him that defaulted; but by the Cape, all is seiz'd without Restitution. Thirdly, *Missio in poss.* is to the use of the Party agent, the Cape is to the use of the King: Of this Writ, and the Explication of the true Force and Effect thereof, Read *Bracton, lib. 5. tract. 3. ca. 1. n. 4. 5, 6.* See *Cape ad valentiam*.

Cape Parvum. In the Old Nat. Brev. fol. 162. is thus defin'd; This Writ lieth in case where the Tenant is summoned in Plea of Land, and cometh at the Summons, and his Appearance is of Record; and after he maketh Default at the day that is given to him, then shall go this Writ for the King, &c. Of this likewise you may see the Form in the Register Judicial, fol. 2. Of both these Writs, Read *Fleta, lib. 6. ca. 44. fol. Magnum & seq.*

Cape ad valentiam, Is a Species of *Cape Magnum*, so call'd of the end whereunto it tendeth. In the Old Nat. Brev. fol. 161, 162. it is thus describ'd, This Writ lieth, where any impleaded of certain Lands, and I vouch to warrant another, against whom the Summons ad

Warrantizandum hath been awarded, and the Sheriff cometh not at the day given, then if the Demandant recover against me, I shall have this Writ against the Vouchee, and shall recover so much in value of the Land of the Vouchee, if he have so much; and if he have not so much, then I shall have Execution of such Lands and Tenements as descend to him in Fee-simple; or if he purchase afterward, I shall have against him a Re-summions; and if he can say nothing, I shall recover the value. Here note, That this Writ lieth before Appearance.

Capella. Before the word *Chapple* was restrain'd to an Oratory, or depending place of Divine Worship, it was us'd for any sort of Chest, Cabinet, or other Repository of precious things, especially of Religious Reliques. — *Regnante Stephano, Nigellus Episc. Eliensis, pro imminente sibi negotio auxilium Domine Imperatricis, & solum colloquium requirendum putavit. Qui dum pergeret Homines Regis invadunt, absque miseratione bonis suis dispoliant, Equos & indumenta, insuper Capellam optimam, quam Episcopus secum de Ecclesia tulerat, in-contaminatis manibus rapiunt.* Hist. Elien. apud Whar-toni Angl. Sacr. p. 1. p. 622. The Institution and Dependence of Chapels, and their *Capellanes*, with the Dignity and Liberties of Mother-Churches, is discours'd at large in Mr. Kennet's Paroch. Antiq. p. 580.

Capella de Floribus. A Chapelet, or Coronet, or Garland of Flowers for the Head. — *Tanta varietas & lascivia apparet in familia Prelatorum multorum in vestibus partitis, & virgatis, & capellis de floribus, & corrigiis deauratis, &c.* Opuscul. Tripartit. apud Fasciculum Rerum, &c. Append. p. 225.

Capella lineata. A Head-piece lin'd. *Abbas de Nevele tenet in com. Lincoln. — per servitium recedendi Domino Regi unam Capellam lineatam de Syndone, & unum Par calcarium deauratorum.* — Tenures, p. 64. An. 9 Ed. 1.

Capellus. A Cap, Bonnet, Hat, or other Covering for the Head. — *Capite discoperto, sine capello, cum una garlanda de latitudine minoris digiti sui.* — 15 Joh. Tenures, p. 32.

Capellus Militis. A Helmet, or Military Head-piece. — *Quando moritur, dabit similiter reliquum modo quo prius, nisi habuerit equum, & tunc heres ejus veniet ad curiam Domini cum equo meliori, sella, frano, & capello, gladio & calcariis.* — Consuetud. Domus de Farendon. MS. f. 21.

Capias. Is a Writ of two sorts, one before Judgment, call'd *Capias ad respondendum*, in an Action Personal, where the Sheriff upon the first Writ of Distress returns, *Nihil habet in balliva nostra*, and the other is a Writ of Execution after Judgment, being of divers kinds, viz. *Capias ad satisfaciendum*, *Capias pro fine*, *Capias Ulagatum*, *Capias Ulagatum & Inquiras de bonis & catallis*, &c.

Capias ad satisfaciendum. Is a Writ of Execution after Judgment, lying where a Man recovers in an Action personal, as Debt or Damages, or *detinue* in the King's Court; and he against whom the Debt is recover'd, and hath no Lands nor Tenements, nor sufficient Goods, whereof the Debt may be lev'd. For in this Case, he that recovereth, shall have this Writ to the Sheriff, commanding him, that he take the Body of him, against whom the Debt is recover'd, and he shall be put in Prison, until satisfaction made.

Capias pro fine. Is, where one being by Judgment fined unto the King, upon the same Offence committed against a Statute, doth not discharge it according to the Judgment, for by this is his Body taken and committed to Prison, until he content the King for his Fine, *Coke, lib. 3. fol. 12. a.*

Capias Ulagatum. Is a Writ of Execution, which lieth against him that is outlaw'd upon any Suit, by

which the Sheriff, upon the Receipt thereof, apprehendeth the Party outlaw'd, for not appearing upon the *Exigent*, and keepeth him in safe Custody, till the Return of the Writ, and then bringeth him into Court, there farther to be order'd for his Contempt.

Capias Ulagatum & Inquiras de bonis & catallis. Is a Writ all one with the former, but it gives a farther Power to the Sheriff, besides the Apprehension of his Body, to enquire of his Goods and Chattels. The Form of all these Writs, see the Old Nar. Brev. f. 154. and see *Termes de la Ley verbo Processu*. Lastly, You may find great variety of this kind in the Register Judicial, verbo *Capias*.

Capias in Withernam de Abertis. Is a Writ lying for Cattel in Withernam, Reg. Orig. fol. 82, 83. See *Withernam*.

Capias de Withernamium de homine. Is a Writ that lieth for a Servant in Withernam, Reg. Orig. f. 79. See *Withernam*.

Capias conductos ad proficiendum. Is a Writ that lieth for the taking up such as having receiv'd Prest-Money to serve the King, sink away, and come not in at the time: This is an Original Writ directed to the Serjeant at Arms, to arrest and bring them in, having included a Clause of Assistance, *Regist. Orig. fol. 191. 4. Infit. fol. 121.*

Capitula Agri. The Had-lands, or Head-lands, that lie at the Head, or Upper end of the Lands or Furrows. — *Canones (Burcestr.) concesserunt hominibus de Wrechwike duas acras prati pro capitibus suarum crostarum tenens viculum versus molendinum, &c.* Mr. Kennet's Paroch. Antiq. p. 137. See *Havedland*.

Capitula Ruralia. Clerical Assemblies, or Chapters held by the Rural Dean, and Parochial Clergy within the Precinct of every distinct Deanry; at first every three Weeks, then once a Month, and more solemnly once a Quarter. Of which see the Practice at large, in Mr. Kennet's Paroch. Antiq. p. 640.

Capite. From *Caput*, the Head; and so *Tenure in Capite*, is to hold of the King, the Head of the Commonwealth. It is a Tenure that holds immediately of the King, as of his Crown, be it by Knight Service or Socage, and not of any Honour, Castle, or Mannor; and for this it is call'd a Tenure, which holds meely of the King: For as the Crown is a Corporation, a Seignory in gross, so the King, who possesses the Crown, is in the Eye of the Law perpetually King never in his Minority; F. N. B. fol. 5. Yet a Man may hold of the King, and not in *Capite*; that is, not immediately of the Crown in gross, but by means of some Honour, Castle, or Mannor belonging to the Crown: Of this *Kitchin*, fol. 129 saith well, That a Man may hold of the King by Knight Service, and not in *Capite*; because it may be beholds of some Honour by Knight-Service, that is in the King's Hands, by Descent from his Ancestors, and not immediately of the King, as of his Crown. And this *Tenure in Capite* is otherwise call'd, *Tenure holding of the Person of the King*; *Dyer*, fol. 44. *Brake*, *ite*. *Tenure*, num. 65, 99. But this Tenure is now abolish'd, and by 12 Car. 2. ca. 24. all turn'd into free and common Socage. **The ancient Tenure in capite** was of two sorts: The one Principal and General, which is of the King; as *Caput Regni*, & *Caput Generalissimum omnium Feodorum*, the Fountain whence all Feuds and Tenures have their main Original. The other *Special* and *Subaltern*, which was of a particular Subject; as *Caput Feudi*, *seu terra illius*; so call'd, because he was the first, that created and granted that Feud or Land in such manner of Tenure: who was thereupon call'd *Capitalis Dominus*, & *Caput terre illius*; among the Feudists, *Capitaneus Feudi illius*. Vid. *Spelman* of Feuds, cap. 4.

Captain. *alias Capitayne, Capitaneus*, Is one that leadeth, or hath command of a Company of Soldiers; and

and is either General, as he that hath the Governance of the whole Host; or especial, as he that leads but one band. There is another sort of Captains, *Qui Urbium præfæti sunt*, quibus *Plebs* ab aliquo superiorum gubernanda committitur. So we have Captains of Castles here in England, as of Dover, the Isles of Jersey, Guernsey, Wight, &c.

Caption, *Captio*, When a Commission is Executed, and the Commissioners Names subscrib'd, and Return'd, that is call'd the Caption.

Capture, *Captura*, A taking an Arrest, a Seizure, 14 Car. 2. ca. 14.

Caputagium.—*In cujus facti memoriam etiam quatuor denarios de caputagio meo, sicut mos est seculari talibus facere super altare Dominicum prædicti loci gratanter imponens.* Dugdale Warwicksh. f. 193. a. Some think it may signifie Head or Pole-mony, or the Payment of it.—But it is indeed the same with *Chevagiann*, *Chevaige*.

Caput Anni. New-Year's Day, upon which of old was observ'd the *Festum Scultorum*. So *Caput Calendarum Maii*, May-day.

Caput Baronie. Is the chief Mansion-House of a Nobleman, which (if there be no Son) must descend to the Eldest Daughter, and not be divided.

Caput Jejunii, *Alh wensday*, being the Head, the Beginning or First Day of the Quadragesimal, or Lent Fast. Some Annual Payments were assign'd to be made in *capite Jejunii*, Mr. Kenne's Paroch. Antiq. p. 132.

Caput loci. The end of any Place. *Ad caput Ville*, at the End of the Town: The End or upper Head.

Caravanna. A Caravan, or Joynt-company of Travellers in the Eastern Countries, for mutual conduct and defence. — *Egressa Caravanna nostra de Joppa versus exercitum veniebat onusta victualibus & aliis clientis necessariis.* — Gausfild. Vinefaut. Ricardi Regis Iter Hierosol. lib. 5. cap. 32.

Carata, & *Caritata*, A Cart or Cart-load, *Quinq; caratatas clausurae ad prædictam terræ clausuram sustinendam*, Mon. Ang. 2. part. fol. 340. 3.

Caratata Plumbi, A Pig or Mass of Lead, weighing 128 Stone, or 2100 Pounds. — *Saccus lane debet ponderare 28 petras, & silebat ponderare summam fragmenti, & sic saccus lane ponderat sextam partem caratate plumbi, scil. 20 petras, sexies viginti & octo petras faciunt caratatum plumbi London. Summa librarum caratate London duo mille & centum librae, scil. de Waterfothmalet, seu sacci lana faciunt caratatum plumbi.* — Ex Cartular. S. Albani, MS. Cotton. Tiber. T. 6. f. 260.

Caratarius, A Carter. See *Carata* and *Carreta*.

Caritas, *Ad Caritatem, Peculum Caritatis* A Grace cup: or an extraordinary Allowance of Wine, or other good Liquor, wherein the Religious at Festivals drank in Commemoration of their Founders and Benefactors. So among the Customs of the Abby of Glaffenbury: — *In diebus solemnibus quum fratres fuerunt in cappis, medonem habuerunt in iustis, & similes super mensam, & vinum ad caritatem, & tria generalia, & quatuor vel quinq; pietatis.* — & hoc est assisa quum pro cerevisia vinum debent habere, unusquisq; scilicet habere debet duas caritates in die. Cartular. Abbat. Glaffen. MS. f. 29.

Carke, Seems to be a quantity of Wooll, whereof thirty make a Sarplet, 27 H. 6. cap. 2. See *Sarplet*.

Carnarium, A Charnel-house, or Repository for the Bones of the Dead. — *In carnario autem subter dictam capellam Sancti Johannis (in civitate Norwicensi) constituto, ossa humana in civitate Norwici humata de licentia sacrista qui pro tempore fuerit, qui dicti carnarii clavem & custodiam habebit specialem, ut usq;*

ad resurrectionem generalem honestius conserventur, à carnibus integre denudata reponi volumus & observari. — Cartular. Foundationis Capellæ Sancti Johannis in occid. parte Eccl. Norwic. per Joh. Norwic. Episc. Dat. 4. Pon. Oct. 1316.

Carola. A little Pew, Closet, or other Safe-hold. — *In correctionibus factis apud Kirkham A. 1279. Injunctum fuit ut Prior, vel Subprior sapiens, vel saltem aliquem in anno Caroli Canoniarum in claustris & aliis in Monasterio faciat in sua presentia aperiri, & res inclusas oculis subiciat, ne per ferrurum hujusmodi operiatur facultas seu occasio delinquendi.* Ex Registr. Willi. Wickwane Aresis Ebor. f. 76. See *Carrels*.

Carno, Is an Immunity, as appears in *Comp. Jurisd. fol. 191.* where it is said, That the Prior of *Malton* made Claim for him and his Men to be quit of all Amerciements within the Forest, and also to be quit of Escapes, and all manner of Gelds, as Foot-gelds, Buckfalls, Trites, Carno, and Summage, &c.

Carpenrales, A couste fort of Cloth made in the North of England, mention'd 7 Jac. 16.

Carat, or *Caratell*. The word was formerly us'd for any weight or burden, tho' now appropriated to the weight of 4 Grains in Diamonds.

Carreta, alias *Carrella*, Was anciently taken for a Carriage, Cart, or Wane-load; as *Carreta fani* is us'd in an old Charter for a load of Hay. See Mr. Kenne's Glossary.

Carratke, alias *Carricke*, Is a Ship of Burthen, and so is call'd the Italian word *Carico* or *Carco*, which signifies a Burthen: This word is mention'd in the Stat. 2 R. 2. ca. 4 and 1 Jac. cap. 33.

Carrels, Closets, or Apartments for privacy and retirement. — Three Pews or *Carrels*, where every one of the old Monks had his *Carrel* severally by himself, to which, having din'd, they did resort, and there study: — these Pews or *Carrels* were finely wainscoted, and very close. Davies Men of Durham, p. 31. Vid. *Carola*.

Carroway-seeds, alias *Carruway-seeds*, Is a Seed springing of the Herb so call'd, of whose operation you may read in *Gerard's Herbal*, lib. 2. ca. 396. It is reckon'd among the Merchandise, that ought to be gargled, by 1 Jac. ca. 19.

Caratus, *Caratus*. The word is us'd of a Ship, or Vessel laden with a Cargo of Goods. — *Quandam navem Cestriæ, quæ in potestate vestra applicuit carata blado & aliis victualibus, arrestari fecistis.* Claus. 25 H. 3. Brady Hist. Engl. Append. 193. Hence *carcare* to load, *disccarcare* to unload a Ship.

Cartel. See *Chortel*.

Carucage, *Carucagium*. As *Hidage* was a Taxation by Hides of Land, so *Carucage* was by *Carucas* of Land, Mon. Angl. 1. par. fol. 294.

Caruca, A Plough, Mr. Agar out of *Dooms-day*.

Carura, French *Charrue*, A Plough; from the old Gallic *Carr*, a Plough, which is the present Irish word for any sort of wheel'd Cartiage. From hence the Sax. *Cearl*, a Ploughman, the Northern *Karl*, our Southern *Charl*, and in corruption of places *Charl*, as *Charlton*, *Charlbury*, &c. *Carl* in the Modern Welsh, is a Rustick, or Clown.

Carucata, A Plough-land, *Dooms-day*, Mr. Agar. It is a certain quantity of Land, by which the Subjects have been sometimes tax'd; whereupon the Tribute levied upon a Carue of Land, was call'd *Carucagium*, *Bracton*, lib. 2. ca. 26. n. 8. & ca. 17. It may contain Houses, Mills, Pasture, Meadow, Wood, &c. Co. on *Litt. fell.* 119. It is sometimes us'd for a Cartload, as *Una carucata ligni in foresta nostra*, Mon. Angl. 1. par. fol. 311. *Littleton cap.* Tenure in Socage, saith, That *Soca*, idem est quod *Caruca*: Yet *Stow* in his Annals pag. 271. makes me doubt, where he saith, The same King Henry took

took Caruage; that is to say, Two Marks of Silver of every Knight's Fee towards the Marriage of his Sister *Isabella* to the Emperor, where Carriage cannot be taken for a Plough land, except there were some other further division, whereby to raise of every Plough-land so much, and so consequently of every Knight's Fee, that is, of every 680 Acres, two Marks of Silver. *Rassal*, in his Exposition of Words, saith, That Caruage is to be quit, if the King shall tax all the Land by Caruet; that is, a Privilege, whereby a Man is exempted from Caruage. *Skene de verb. Signif. verb.* Carucata terra, deriveth it from the French *Charrow* (more truly *Charrue*) a Plough, and saith, That it contains as great a portion of Land as may be tilled and labour'd in a Year and a Day, with one Plough; which also is call'd *Hilda*, or *Hida terra*, a word frequently us'd in the *Britain Laws*. *Lambert* among his Precedents, towards the end of his *Eirenarcha*, translates *Carucatam terra*, a Plough-land. The word *Carue* is mention'd in the Statute of Wards and Reliefs, made 28 E. 1. and in *Magna Charta*, cap. 5. See Co. on Litt. fol. 69. a. See Mr. Kennet's Glossary, in voce Carucata.

Carbage, Carvagium. See Carucata.

Carucata Boun, A Team or Draught of Oxen, for drawing or ploughing, which in some Western parts of England is still call'd a Plough of Oxen. *Gilbert Basset*, Founder of *Burcester Priory*, grants to it — *Pasturam in mea Dominica pastura ad tres Carucas Boun trahentium una cum bobus melis trahentibus.* Paroch. Antiquit. p. 135. They are call'd *Boves de caruca*, in a Charter of *Aubrey de Vere*, to the Abbey of *Notley*, *ibid.* p. 155.

Carucarius, He that held Land in Caruage, in Socage, or Plough Tenure. — *Summa reddituum carrucatariorum, si fuerint ad firmam xxii sol.* — *Summa gallinarum carucatariorum & cotariorum cxvii gallina.* Paroch. Antiq. p. 354.

Cassatum, & Cassata, By the Saxons call'd *Hilde*; by *Bede Familia*, is a House with Land sufficient to maintain one Family.

Cassia fistula, Is a Tree that beareth black, round, and long Cods, wherein is contain'd a Pulp soft and pleasantly sweet, serving for many uses in Physick. This Tree, with the Vertues, you may find describ'd in *Gerard's Herbal*, lib. 3. cap. 77. The Fruit is mention'd in the Statute 1 Jac. cap. 19. among the Drugs and Spices to be garbled.

Cassia lignea, Is a sweet Wood, not unlike the *Cynamon*, whereof you may read in *Gerard's Herbal*, lib. 1. cap. 19. and compris'd among Merchandise to be garbled.

Castell, Castellum, Is well known. In the time of *Henry the Second*, there were in England 1115 Castles, every Castle contains a Mannor; so that the Constable of a Castle, is the Constable of a Mannor, 2. Part. Inst. fol. 31.

Castellaine, Castellanus, Is a Keeper, or Captain, sometimes call'd a Constable of a Castle, *Bract. lib. 5. tract. 2. cap. 16. & lib. 2. cap. 32. n. 2.* In like manner it is us'd, 3 E. 1. c. 7. In the Books *De Feudis*, you shall find *Gustaldus* to be almost the of same Signification, but something more large; because it is also extended to those that have the Custody of the Kings Mansion-houses, call'd of the *Lombards*, *Carter*, in English Courts, tho' they be not places of Defence or Strength. *Manswood* in his *Forest Laws*, saith, That there is an Officer of the Forest call'd *Castellanus*.

Castleward, Castlegardum, vel Wardum Castri, Is an Imposition laid upon such of the King's Subjects as dwell within a certain compass of any Castle, towards the maintenance of such as do watch and ward the Castle, *Mag. Chart. cap. 20. & 32 H. 8. cap. 48.* It is us'd sometime for the very Circuit it self, which is inhabited

by such as are subject to this Service; as in *Stow's Annal.* pag. 632. And there to take Castleward, viz. *De qualibet districtione infra feodum ipsius ducis ad Castellum de Halton, ducti & ibidem una de causa, si per solam noctem pernoctaverit, quatuor denarios, Pl. apud Cestr. 31 E. 2.*

Castellorum operatio, Castle-work, or Service and Labour done by inferior Tenants, for the building and upholding Castles and publick Places of Defence: Toward which some gave their Personal Assistance, and others pay'd their Contribution. This was one of the three necessary charges, to which all Lands among our Saxon Ancestors were expressly subject. — *Liberi ab omni servitio, excepta trinoda necessitate — Pontis & Arcis constructione & expeditione contra hostem.* After the Conquest an Immunity from this Burden was sometimes granted: So King *John* to the Nunnery of *St. Catharine* without the City of *Exeter*, — *quietos esse de operationibus Castellorum & Pontium.* Mon. Angl. tom. 1 f. 503. b. So King *Hen II.* to the Tenants within the Honor of *Wallingford*, — *Ut quieti sint de operationibus Castellorum.* Paroch. Antiq. p. 114.

Castle-guard Rents, Are Rents pay'd by those that dwell within the Precincts of any Castle, towards the maintenance of such as watch and ward the same. *Act for setting certain Rents in Trustees, 22 & 23 Car. 2.*

Casu confisus, Is a Writ of Entry granted where the Tenant by Curtesie, or Tenant for term of Life, or for the Life of another, doth alien in Fee, or in Tayl, or for term of another's Life. And it hath the Name of this for that the Clerks of the Chancery did, by their common Consent, frame it to the likeness of the Writ, call'd In casu proviso, according to their Authority given them by the Stat. West. 2. cap. 24. which, as often as there chanceth any new Case in Chancery, something like to a former Case, and yet not especially fitted by any Writ, licenceth them to lay their Heads together, to frame a new Form answerable to the new Case, and as like some former Case, as they may. And this Writ is granted to him in the Reversion against the Party to whom the said Tenant so alieneth to his prejudice, and in the Life-time of the said Tenant. The Form and Effect whereof, read more at large in F. N. B. fol. 206.

Casu proviso, Is a Writ of Entry given by the Statute of Gloucester, cap. 7. In Case where v Tenant in Dower alieneth in Fee, or for term of Life, or in Tayle, and lieth for him in Reversion against the Alienee, whereof read F. N. B. fol. 205.

Casula, The Chibble, or upper Vestment of the Popish Priest officiating in Divine Service; like our present Surplice.

Catalls, alias Chattells, Catalla, Cometh from the *Normans*; for in the Eighty Seventh Chapter of the Grand Customary, you shall find that all moveable Goods with them are call'd Chattels; the contrary whereof is *Fief. ibid.* which we call Fee. But as it is us'd in our Common-Law, it comprehends all Goods moveable and immoveable, but such as are in the nature of Free-hold, or parcel thereof, as may be gather'd out of *Stamf. Praerog. cap. 16.* And Anno 1 Eliz. cap. 2. *Howbeit Kitchen*, in his Chapter *Catalla*, fol. 32. saith, That ready Money is not accounted any Goods or Chattels, nor Hawks, nor Hounds; the reason for Hawks and Hounds he gives, is, because they are *Fera natura*; but why Money is not, tho' he set not down the cause, yet it may be gather'd to be, for that Money of it self is not of worth, but as by consent of Men for their easier Traffick, or permutation of things necessary for Life. It is reckon'd a thing rather consisting in Imagination, than in Deed. And here note, That Chattels be either Personal, or Real: Personal may be so call'd in two respects; one, because they belong immediately to

to the Person of a Man; as a Bow, a Horse, &c. the other, for that being any way with-held injuriously from us, we have no means to recover them but by Personal Action: Chattels Real be such, as either do not appertain to the Person, but to some other thing by way of Dependency, as a Box with Charters of Land; the Body of a Ward, Apples upon a Tree, or a Tree it self growing on the Ground, *Crompt. Justice of Peace, fol. 32. b.* or else such as are necessary, issuing out of some immoveable thing to a Person, as a Lease or Rent for term of Years. And also to hold at will, is a Chattel Real, *Terms de la Ley, verbo Chattel.* The Civilians comprehend these things, as also Lands, of what kind or holds soever, under *Bona*; *Bona autem dividuntur in mobilia & immobilia, mobilia vero in ea que se movent vel ab aliis moventur, V. Legem. 49. & L. 208. de verb. Signif. & interpretes ibid. Bracton also ca. 3. lib. 3. m. 3 & 4. seemeth to be of the same Judgment.*

Cartallis capris, nomine discretionis, Is a Writ that lieth within a Borough, or within a House, for Rent going out of the same, and warranteth a Man to take the Doors, Windows, or Gates for Rent, *Old Nat. Brev. fol. 66.*

Cartallis reddendis, Is a Writ which lieth where Goods being deliver'd to any Man to keep unto a certain day, and be not upon Demand deliver'd at a day. And it may be otherwise call'd *A Writ of Detinue.* See more of it *Reg. Orig. fol. 139. and Old Nat. Brev. fol. 63.* This is answerable to *Actio Depositum* in the Civil-Law.

Catapulta. — Edmundus Willoughby tenet unum messuagium & sex bovatas terra in Carleton, ut de mansio de Shelford per servitium unius catapultæ per annum pro omni servitio. *Lib. Schedul. de Term. Mich. 14 Hen. 4. Nott. fol. 210.* — Some render it a Warlike Engine to shoot Darts, a Sling. — I rather take it for a Cross-bow.

Catch-land, In Norfolk they have some Grounds where it is not known to what Parish they certainly belong, so as the Minister who first seizes the Tyth does by that Right of Pre-occupation enjoy it for that one Year. The Land of this dubious Nature is there call'd *Catch-Land.*

Cathpole. Tho' it now be us'd as a word of contempt, yet in ancient Times it seemeth to have been us'd without reproach, for such as we now call Sergeants of the Mace, or any other that use to arrest Men upon any cause; *25 E. 3. Stat. 4. ca. 2. Hospitalarii tenent in Hereford unum messuagium, quod Philippus filius Odonis tenuit per Serjeantiam, Chacepollis, quod eis lein parum Eleemosynam, Rot. de Serjeantiis in Hereford. temp. Henr. 3. in custod. Camer. Scaccar.*

Cathedral. See Church.

Cathedratricke, Cathedratricum. Is a sum of two Shillings pay'd to the Bishop by the inferior Clergy, in argumentum subjectionis, & ob honorem Cathedralis. See Hist. of Procurations and Synodals, pag. 82.

Catursus, A Hunting Horse. — Willelmus filius Alani dat duas bonas Catursos, pro habendis duabus Feris apud Norton. Anno 6 R. Joh. — Tenures p. 68. *Vid. Chacurus.*

Cauda terræ, A Land's End, or the bottom or extreme part of a Ridge or Furrow in Arable Land. — *duæ acra & dimidia ad caudam sex acrarum simul jacentium — item dimidia acra ad caudam unius acra.* Cartular. Abbat. Glaston. MS. fol. 117. b.

Cavers.

And two great Courts of Berghmote out to be
In every Year, upon the Minery,
To punish Miners that transgress the Law,
To curb Offenders, and to keep in Awe
Such as be Cavers, or do rob Mens Coes;
Such as be Pilferers, or do steal Mens Stoes.

Manlove's Poem on Derb. Mines.

Caursines, Caorcini, Caurfisi, Corfisi, Italian Merchants, so call'd from *Caorsum, Caorsi*, a Town in Lombardy, where they first practis'd their Arts of Usury and Extortion: And thence spreading themselves, and their curs'd Trade thro' most parts of Europe, were a common plague to every Nation where they came. *Matthew Park* gives a Character of their odious practices in England, under the Year 1237. And *Matth. Westm. sub An. 1232. K. Henry III.* banish'd them from this Kingdom, in the Year 1240. But being the Pope's Solicitors, Procurers, and Money-Changers, they were permitted to return in the Year 1250. but in very short time were expell'd for their intolerable Cheats and Exactions.

Caulceis, 6 H. 6. ca. 5. Caulsey, 1 E. 4. 1. Perhaps it should be written *Caulseways*, from the old French word *Cauz*, now *Caillou*, a Flint or other Stone; in Latin *Calcestra*, — *pro ponte & calceos reparand.* *Pat. 18 H. 6. p. 2. m. 22.* Sometimes it may be written *calceya, casea, and calsetum*, in old Records.

Causam nobis significes, Is a Writ which lyeth to a Mayor of a Town or City, &c. that formerly by the King's Writ, being commanded to give Seisin unto the King's Grantee of any Lands or Tenements, do delay so to do, willing him to shew cause why he so delayeth the performance of his Charge, *Co. lib. 4. casu Communitatis de Sadlers, fol. 55. b.*

Causa Partimonii prælocuti, Is a Writ which lies in case where a Woman giveth Lands to a Man in Fee-simple, to the intent he shall marry her, and refuseth so to do, in reasonable time, being requir'd thereunto by the Woman; the Form and other Use thereof, see *Reg. Orig. fol. 233. and F. N. B. 205.*

Cautione Admittenda, Is a Writ that lyeth against the Bishop, holding an Excommunicate Person in Prison for his Contempt, notwithstanding that he offereth sufficient Caution, or Pledges to obey the Commandments and Orders of Holy Church from henceforth. The Form and Effect whereof you may find in *Reg. Orig. pag. 66. and F. N. B. fol. 63.*

Caya, A Key, or Water-lock; from the Saxon Cay. See Key.

Cayagium, A Toll, or Duty pay'd to the King, for landing Goods at some Key or Wharf. King Edw. I. grants by Charter to the Barons of the Cinque Ports, — *Us quieta sint de omni thelonio, & omni consuetudine, videl. ab omni lastagio, tallagio, passagio, cayagio, rivagio, sponsagio, & omni Wirece, &c.* *Placit. temp. Ed. I. & Ed. II. MS. penes Dominum Fontaines.*

Ceargilde. A word deriv'd from the Saxon *ceap*, signifying *pecus, Cattel*; and *gild, solutio*; that is, *Solutio Pecudis*: From this Saxon word *Gild*, haply we may have our common English word *Yield*; As, *Yield, or pay.*

Celdra. A certain Measure among the Scotch, call'd by them a Chaldre: Whence our Chaldron of Scotch and Newcastle Coals. *Rex Scotie honoris gratia, dedit (Episc. Sarisber. & Roucestr. tunc in Scotia agentibus) octoginta Celdras frumenti, & sexaginta sex de brasio, & octoginta de avena.* *Cron. Mailros, sub Anno 1209.*

Celer Letti, The Top, Head, Teste, or Tester of a Bed. — *Dedit ad cameram Prioris unum lectum, cum celere & currentis blodei coloris.* *Hist. Elien. apud Whartoni Angl. Sac. P. 1. p. 673.*

Cellerarius, alias Cellarius, Was the Butler in a Monastery: In the Universities of England they are sometimes call'd Munciple, sometimes Caterer, and Steward.

Cendulæ, Shingles, Shindles, Scandulæ, Small pieces of Wood, laid in form of Tiles, to cover the Roof of a House. — *Mandatum ad cendulas & lattas nostras carandas de Parco ad domus reficiendas.* *Pat. 4. H. 3. P. 1. m. 10.*

Cenellæ, Acorns; so call'd from the Oak, *Fr. Chesne*: whence in our old Writings, *Pessona cenellarum*, is put for the Pannage of Hogs, or Running of Swine, to feed on Acorns. — *habitant xxx Porcos*

Censaria. A Farm, or House and Land, let *ad censam*, at a standing Rent. — *Henricus Stormy tenet maneria in com. Wilt. per servitium custodiendi ballivam totius foreste de Savernake, & censariam, quæ vocatur La Ferme in foresta prædicta, temp. Edw. III. Tenures, p. 88.*

Censarii, Such as might be tax'd, *Dooms-day*.

Censura, A Custom so call'd, within several Mannors in Cornwall and Devonshire, whereby all Reliants therein are cited, above the Age of 16, to swear Fealty to the Lord, to pay 11 d. per Poll, and 1 d. per An. ever after, as Cent Mony, or common Fine. And these thus sworn are call'd *Censarii*. — *Item erat quedam custodia quæ vocatur Censura, proveniens de illis qui manent in Burgo de Lestrythiel.* — Survey of the Dutchy of Cornwall.

Century. See *Hundred*.

Cept corpus, Is a Return made by the Sheriff, that upon a *Capias*, *Exigent*, or other Process, hath taken the Body of the Party, *F. N. B. fol. 26.*

Cerage, *Ceragium*. See *Waxshot*.

Cert-monny, *Quasi certa Moneta*, The Head-penny, or common Fine, yearly given by the Reliants and Tenants of several Mannors to the Lords; this in ancient Records, is call'd *Certum Letæ*. See *Common Fine*.

Certiorari, Is a Writ out of the Chancery to an Inferiour Court, to call up the Records of a Cause therein depending, that conscionable Justice may be therein administr'd, upon complaint made by Bill, that the Party which seeketh the said Writ, hath receiv'd hard dealing in the said Court, *Termes de Ley*. See the divers Forms and Uses of this, *F. N. B. fol. 242.* as also the Register, both Original and Judicial in the Tables, *verb. Certiorari*; *Crompton* in his Justice of Peace, fol. 117. saith, That this Writ is either returnable in the King's Bench, and then hath these words, *Nobis mittatis*; or in the Chancery, and then hath in *Cancellaria nostra*; or in the Common Bench, and then hath *coram Justitiariis nostris de Banco*. The word *certiorari* is us'd diverse times in the Digest of the Civil-Law: but our later Criticsks think it so barbarous, that they suspect it to be rather foysted in by *Tribonian*, than to be originally us'd by those Men of whose works the said Digest is compil'd: *Præterea in suo Lexico.*

Certificat, *Certificatorium*, Is us'd for a Writing made in any Court, to give notice to another Court of any thing done therein. As for Example, A Certificate of the Cause of Attaint, is a Transcript made briefly, and in few words, by the Clerk of the Crown, Clerk of the Peace, or Clerk of Assize, to the Court of the King's Bench, containing the Tenor and Effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or pronounc'd in any other Court, *34 H. 8. 14.* Of this, see more in *Certif. d'Evcsq; Bro. f. 119.*

Certification of Assize of Novel Disseisin, ac. *Certificatio Assise Novæ Disseisine, &c.* Is a Writ granted for the Re-examining, or Review of a matter pass'd by Assize before any Justices, and is call'd *Certificatio Novæ Disseisine*, *Old Nat. Brev. fol. 181.* Of this, see also *Reg. Orig. fol. 200.* and the New Book of Entries, *verb. Certificate of Assize*. This word hath use, where a Man appearing by his Bayliff to an Assize brought by another, hath lost the day, and having something more to plead for himself, as a Deed of Release, &c. which the Bayliff did not, or might not plead for him, desireth a farther Examination of the Cause, either before the same Justices or others, and obtaineth Letters Patents to them to that effect. The Form of these Letters Patents, you may see *F. N. B. fol. 181.* and that done,

bringeth a Writ to the Sheriff, to call both the Party for whom the Assize pass'd, and the Jury that was empann'd upon the same, before the said Justices, at a certain day and place: And it is call'd a Certificate, because in it there is mention made to the Sheriff, that upon the Parties Complaint of the defective Examination, or Doubts; yet remaining upon the Assize pass'd, the King hath directed his Letters Patent to the Justices, for the better certifying of themselves, whether all points of the said Assize were duly examin'd. See farther, *Old Nat. Brev. ad F. N. B. ubi supra.* Of this you may also read *Bract. lib. 4. cap. 19. n. 4. in fine, & 5. 6.* where he discusseth the Reason of this Point very learnedly. And lastly, *Horne* in his Mirror of Just. lib. 3. cap. final. sect. *En Ayde des Memoires, &c.*

Certificando de recognitione stapulæ, Is a Writ directed to the Mayor of the Staple, &c. commanding him to certify the Chancellor of a Statute of the Staple, taken before him between such and such, in case where the Party himself detaineth it, and refuseth to bring it in, *Reg. Orig. fol. 152. b.* In like manner may be said of *Certificando de statuto Mercatorio*, *Eod. fol. 148.* And *de certificando in cancellariis de inquisitione de idempnitæte nominis*, fol. 195. And *certificando quando recognitione, &c.* And *certificando quid actum est de brevi super statutum mercatorium*, fol. 151. And *certificando in loquela Warrantia*, fol. 13.

Cerura, A Mound, Fence, or Enclosure. — *Willemus de Lucy miles, dedit Thomæ Ministro Domus de Thelesford, licentiam domos & portas levare, edificare, & cum ceruris, & muris includere viam quæ ducit ad Ecclesiam de Thelesford, sicut per muros discursum Ministri & Fratrum juxta pontem extenditur.* Cart. Prioratus de Thelesford, MS. Tho' possibly *Cerura* is here for *Serura*, and is to signifie a Water-lock.

Cervisarii. The Saxons had a Duty call'd *Drinclean*, that is, *Retributio Potus*, Canutus Laws, cap. 8. 28. 38. whereupon such Tenants may be call'd *Cervisarii*; *Dooms-day*, Mr. *Agar*.

Cessor, Is he that ceaseth or neglecteth so long to perform a Duty belonging unto him, as that by his cesse or cissing, he incurreth the danger of Law, and hath or may have the Writ *Cessavit* brought against him, *Old Nat. Brev. fol. 136.* And note, that where it is said in divers places, The Tenant cesseth, without any more words, that is to be understood, The Tenant cesseth to do by his Land or Tenement.

Cessavit, Is a Writ that lyeth in divers Cases, as appeareth by *F. N. B. fol. 280.* upon this general ground, that he against whom it is brought, hath for two Years neglected to perform such Service, or to pay such Rent as he is ty'd to by his Tenure, and hath not upon his Land or Tenement, sufficient Goods or Chattels to be distrain'd. Consult more at large *F. N. B. f. 280. Fleta, lib. 5. ca. 34. sect. Vifa sunt. Termes de Ley.* See *Cessavit de cantaria*, *Reg. Orig. 238.* *Cessavit de feodi firma*, *Reg. Orig. 237.* *Cessavit per biennium*, *ibid.* See the New Book of Entries, *verb. Cessavit*.

Cessis, By 22 H. 8. cap. 3. seems to signifie Assessment, or Taxes: *Cesse* or *cease* in Ireland is an Exaction of Viduals, at a certain Rate, for the Deputies Family, and the Souldiers in Garrison. See the Earl of *Strafford's* Tryal.

Cession, Is when an Ecclesiastica Person is created Bishop, or when a Parson of a Parsonage takes another Benefice without Dispensation, or otherwise not qualify'd, &c. In both Cases their first Benefices are become void, and are said to come void by *Cession*: And to those that he had who was created Bishop, the King shall present for that time, whoever is Patron of them; and in the other case the Patron may present.

Cessure, or *cesser*, is likewise taken to signifie a giving over, or giving of place, *West. 2 ca. 41.*

Cestui qui vie, Is in true French *Cestui a vie de qui* that is, He for whose Life any Land or Tenement is granted: *Perkins Grants*, 97.

Cestui que use, *Ille cuius usui, vel ad cuius usum,* is broken French, and this may be better modell'd (*Cestui a l'usage de qui*) It is an ordinary Speech among Lawyers, signifying him to whose Use any other Man is infeoffed in any Lands or Tenements. See the New Book of Entries, *verbo Usus*; and in Replevin, fol. 508. col. 3. *verbo Trespass*, fol. 606, & 123. col. 3. num. 7. And see 1 R. 3. cap. 1. and Co. lib. 1. fol. 133. Anno 12 Car. 2. cap. 30.

Cestui qui trust, Is he who hath a Trust in Lands or Tenements committed to him, for the benefit of another, 12 Car. 2. cap. 30.

Chace, A Chace or Station of Game, more extended than a Park, and less than a Forest. *Chacea* is sometime taken for the Liberty of Chasing, or Hunting within such a District. *Beatum in quo Abbates Glastonie chaceam suam cum canibus suis & procuratorum suorum porcis suis habebant*—Cartular. Abbat. Glaston. MS. f. 70. b. —*Donec amabili compositione chassiam & communiam quam dictus Abbas & Antecessores sui in hisce habuerant quietum clamavit*, Ibid.

Chaceare ad Lepores, vel Vulpes; To hunt Hare or Fox. —*Licet Abbati & suis chaceare ad lepores & vulpes, in manerio suo de Donham*. Cartular. Abbat. Glaston. MS. f. 87.

Chacurus, A Horse for the Chace, or a Hunter; unless possibly it rather signifie a swift Dog, or fleet Hound. —*Willmus de Breosa dedit Regi obtingentia marcas, tres dextrarios, quinque chacuros, quatuor censas, & decem leporarios*, Anno 7 Joh. —*Tenures*, p. 134.

Chafewar, Is an Officer in Chancery, that fitteth the Wax for the sealing of the Writs, and such other Instruments as are there made to be sent out. This Officer is borrowed from the French, for there *chafefloris cera sunt qui Regis literis in cancellaria cera imprimunt*: *Corasius*.

Chafery, At the Iron-works, in every Forge or Hammer, there is two Fires; the one they call the *Finery*, the other the *Chafery*. At this *Chafery* they draw out the Anconies into finisht Bars. It seems deriv'd from the French *Chaufier*, to heat; whence to *chafe*, and our Chaffing dish.

Chaffers, Seem to signifie Wares, or Merchandise, 3 E. 4. 4. and we yet use Chaffering for Buying and Selling.

Chaldron, or *Chaldern of Coals*, Contains thirty six Bushels of Coals, heaped up, and according to the seal'd Bushel kept at Guild-hall, London, for that purpose, 16, 17 Car. 2. ca. 2. It is written Chawdren, 9 H. 5. 10.

Chalking, The Merchants of the Staple require to be eas'd of divers new Impositions, as *Chalking*, Ironage, Wharfage, &c. *Roi. Parl.* 50 Ed. 3.

Challenge, Calumnia, Cometh of the French word *Challenger*, that is, *Sibi offerre*; and in a Legal Sense signifies an Exception, taken either against Persons or Things: Persons, as in Assise to the Jurors, or any one or more of them; or in a case of Felony, by a Prisoner at the Bar: *Smith, de Rep. Angl. lib. 2. ca. 12. Britton, c. 52. Braillon, lib. 2. traill. 2. c. 22.* Against Things, as a Declaration, *Old Nat. Breu. fol. 76.* Challenge made to the Jurors, is either made to the *Array*, or to the *Pelles*: Challenge to the *Array*, is when the whole number is excepted against as partially empannelled; Challenge to or by the *Pelles*, when some one or more are excepted against, as not indifferent, *Termes de la Ley.* Challenge to the Jurors is also divided into *Challenge Principal*, and *Challenge per cause*; that is, upon Cause or Reason. *Challenge Principal*, (otherwise by *Stamf. plac. Co. fol. 157, 158.* call'd *Peremptory*;) is that which the Law al-

lows without cause alledg'd, or farther Examination, *Lamb. Eiren. lib. 4. cap. 14.* as a Prisoner at the Bar, arraign'd upon Felony, may peremptorily challenge to the number of twenty, one after another, of the Jury empannelled upon him, alledging no cause but his own dislike, and they shall be still put off, and new taken in their places. But in case of High-Treason, no *Challenge Peremptory* is allow'd, 33 H. 8. 33. *Fortescue* saith, That a Prisoner in this case may challenge thirty five Men, cap. 27. but that Law was abridged by 25 H. 8. cap. 3. And here observe, That there is some difference, *Challenge Principal*, and *Challenge Peremptory*; *Peremptory* being us'd only in matters Criminal, and alledged without other cause than barely the Prisoner's Fancy; *Stamf. pl. cor. fol. 124.* But *Principal* in Civil Actions for the most part, and with naming some such cause of Exception, as being found true, the Law alloweth, without farther Scanning: For Example, If either Party say, That one of the Jurors is the Son, Brother, Cousin, or Tenant to the other, or espous'd his Daughter; this Exception is good, and strong enough, if it be true, without farther Examination of the Party's credit: and how far this Challenge upon Children reacheth, you have a notable Example in *Plowden*, in the case of *Vernan* against *Mamors*, fol. 425. Also in the Plea of the Death of a Man, and in every Action Real, as also every Action Personal, where the Debt or Damages amount to forty Marks, it is a good Challenge to any Man, that he cannot dispend forty Shillings by the Year of Freehold, 11 H. 7. cap. 21. The ground of this Challenge you may see farther in *Fleta, lib. 4. cap. 8.* Challenge upon Reason or Cause, is when the Party doth alledge some such Exception against one or more of the Jurors, as is not forthwith sufficient upon acknowledgment of the truth thereof, but rather arbitrate and considerable by the rest of the Jurors: As for Example, If the Son of the Juror have marry'd or espous'd the Daughter of the adverse Party, *Termes de la Ley, verbo Challenge.* This Challenge *per cause*, seems by *Kitchin, fol. 92.* to be term'd *Challenge for favor*; or rather *Challenge for favor*, is said there to be one species of *Challenge per cause*, where you may read what Challenges be commonly accounted *Principal*, and what not. See the New Book of Entries, *verbo Challenge*, and the *Old Nat. Breu. fol. 158, 159.* That this word *Challenge* is turn'd into Lat. by the word *Calumnia*, appeareth by *Braillon, lib. 3. traill. 2. ca. 18. & lib. 4. traill. 3. ca. 6. & lib. 5. ca. 6.* See farther *Fleta, lib. 1. ca. 32. Co. on Lit. 156, 157, &c.* and *Carauingum*.

Chamber depint. Under this Name in our Parliament Rolls is often mention'd, the Room which was anciently *St. Edward's Chamber*, and is now the Painted Chamber.

Chambers of the King, Camera Regia. The Havens or Ports of our Kingdom, are so call'd in our Records. *Vid. Mare Clausum.*

Chamberdekins, or Chumberdaking, Were Irish Beggars, which by the Statute of 1 H. 5. ca. 8. were by a certain time, within the said Statute limited to avoid this Land, *Termes de la Ley, fol. 114.* Observe this Description of them. Anno 1413. *Universitatem Oxoniensem vexabant flagitiosi quidam Chamberdekyns dicti, qui non alii erant, qudm mendici quidam Hiberni, habitu Schoarum pauperulorum induti, sub nullo autem prasidie viventes. His solenne erat domi de die latitare, noctu vero circa venepolia domusque infames obitum quicunq; spoliare, vel etiam trucidare.* *Antiq. Oxoniensis, lib. 1. p. 207.*

Chamberer, Is us'd for a Camber-Maid, 33 H. 8. cap. 21.

Chamberlain, Camerarius, Cometh of the French *Chambellan*; that is, *Cubicularius, vel Praefectus cubiculi.* It is diversly us'd in our Chronicles, Laws and Statutes,

as Lord Great Chamberlain of England, Lord Chamberlain of the King's House, the King's Chamberlain, 13 E. 1. cap. 41. 17 R. 2. cap. 16. To whose Office it especially appertaineth to look to the King's Chambers and Wardrobe, and to Govern the Under-Servants belonging to the same, *Fleta*, lib. 2. cap. 6, 7. Chamberlain of any of the King's Courts, 7 E. 6. 1. Chamberlain of the Exchequer, 51 H. 3. Stat. 5. 10 E. 3. 11. 14 E. 3. 14. 26 H. 8. 2. Chamberlain of North-Wales; *Stow* pag. 641. Chamberlain of Chester, *Crompt. Jur. fol. 7*. Chamberlain of London. This Officer is commonly the Receiver of all Rents and Revenues belonging to that City whereto he is Chamberlain. *Vide Fleta*, lib. 2. cap. 70. To the Chamberlain of Chester, when there is no Prince of Wales and Earl of Chester, belongs the Receiving and Returning of all Writs, coming thither out of any of the King's Courts. The Lat. word seemeth to express the Function of this Officer; for *Camerarius dicitur à camera*, i. e. *Testudine sive fornice*, quia custodit pecunias quæ in cameris præcipuè reservantur, Onuphrius de Interpret. voc. Eccles. It seemeth to be borrow'd from the Feudists, who define the word *Camera* thus: *Camera est locus in quem thesaurus colligitur, vel conclavæ in quo pecunia reservatur*: *Zastus de Feudis*, par. 4. num. 7. And *Peregrinus de jure Fisci*, lib. 6. tit. 3. saith, That *Camerarius*, vel *Chamberlingus* (quem *Quæstorem antiqui appellaverunt*) in rebus *fisci* primum locum tenet, quia *Thesaurarius* & *cullos est publicæ pecuniæ*. There be two Officers of this Name in the King's Exchequer, who were wont to keep a Controulment of the *Pelle of Receipt*, and *Exitus*, and kept certain Keys of the Treasury and Records: They kept also the Keys of that Treasury, where the Leagues of the King's Predecessors, and divers ancient Books, as *Dooms-day*, *Black-Book* of the Exchequer, remain. There is mention of this Officer in the Stat. 34 & 35 H. 8. cap. 16. There be also Under-Chamberlains of the Exchequer, for which see in Under-Chamberlain.

Chamberlaria, *Chamberlangeria*, *Chambelainship*, or Office of Chamberlain. — *Commissarius Civis nostri* Willelmo Joyner *Chamberlariam nostram* London. Pat. 7 H. 3. Brady Hist. Angl. Append. p. 168. — *Jerem. del Ho*, & *Radulphus de Coggeshale*, tenent *seodum del Ho* in *Rivanhule per servitium Chamberlangerie*, in *Com. Devon. Anno xi H. 3. Tenures*, p. 48.

Champarty, (*Cambi-partia*) al. *Champerty*, Seemeth to come from the French *Champer*, *Valligal*; and signifieth in our Common-Law a Maintenance of any Man in his Suit depending, upon condition to have part of the things (be it Lands or Goods) when it is recover'd, *F. N. B. fol. 171*. This seems to have been antient grievance in our Realm; for notwithstanding the Statutes of 3 E. 1. 25. 13 E. 1. 49. 28 E. 1. 11. 32 E. 1. Stat. 2. & 3. and 1 R. 2. cap. 4. and a Form of a Writ framed unto them: Yet *Anno 4 E. 3. 11*. it was again enacted, That whereas the former Statute provided Redress for this in the King's Bench only, (which at that time followed the Court) from thenceforth it should be lawful for Justices of the Common-Pleas likewise, and Justices of Assizes, in their Circuits, to inquire, hear and determine this, and such like Cases, as well at the Suit of the King, as of the Party. How far this Writ extendeth, and the divers Forms thereof apply'd to several Cases, see in *F. N. B. fol. 171*. *Reg. Orig. fol. 183*. and the New Book of Entries, *verbo Champerty*; every *Champerty* implieth Maintenance, *Crompt. Jur. fol. 39*. See also *Crompt. Justice of Peace, fol. 155. 2. par. Inst. fol. 208*. But every Maintenance is not *Champerty*, for *Champerty* is but a Species of Maintenance, which is the Genus. The word *Champerty* seems very significantly to derive it self from *Campus*, a Field, and *Partis*, a Dividing; because the Parties in *Champerty* agree to divide the thing in dispute.

Champertors, *Vel campi Participes*, sunt qui per se, vel per alios placita movent, vel movere faciunt, & ea suis sumptibus prosequuntur ad campi partem, vel pro parte lucri habenda, 33 E. 1. Stat. 2. Artic. super Chart. cap. 11. Also it was ordain'd by the Stat. 33 H. 8. confirm'd by 37 H. 8. 7. That Justices of Peace, at their Quarter-Sessions, should have Authority as well by the Oaths of twelve Men, as by the Information of any other Person to enquire of the Offenders and Offences against the Laws and Statutes made and provided touching *Champerty*, Maintenance, &c. *Termes de la Ley. fol. 114, 115*.

Champion, (*Campio*) is thus defined by *Hottotman*, in *verbis Feudalibus*: *Campio est Certator pro alio datus in duello, à Campo dictus, qui Circus erat decertantibus definitus*; and therefore call'd *Campes-fight*. In the Common-Law, it is taken no less for him that tryeth the Combat in his own case, than for him that fighteth in the Quarrel or Place of another; *Bract. lib. 3. traç. 2. ca. 21. n. 24*. seems to use this word for such as hold by Segeanty, or some Service of another; as, *Campiones faciunt Homagium Domino suo*, lib. 2. cap. 35. Of this read more in *Battel*, and *Combate*. Also in fol. 36. of *Sir Edward Bishe's* Notes upon *Upton*, you will find, That *Henricus de Fernberg*, for thirty Marks Fee, did by a Charter, under his Seal, covenant to be *Champion* for *Roger Abbot of Glasstonbury*, An 42 H. 3. See 3. *Inst. fol. 221*.

Champion of the King. His Office is at the Coronation of our Kings, when the King is at Dinner, to ride armed into *Westminster-hall*, and by a Herald make a Challenge, That if any Person shall deny the King's Title to the Crown, he is there ready to defend it; which done, the King drinks to him, and sends him a guilt Cup with a Cover, full of Wine, which he hath for his Fee. This Office, ever since the Coronation of *Richard the Second*, when *Baldwin Breville* laid claim to it, was from him adjudged to his Competitor *Sir Jo. Dymocke*, (both claiming from *Marmion*) and hath ever since continued in the Family of the *Dymocke*, who hold the Mannor of *Scrivelby*, in *Com. Lincoln*. hereditarily from the *Marmions*, by *Grand Segeanty*. *Cambd. in part. fin. Mich. 1 H. 6.* and accordingly *Sir Edward Dymocke* perform'd this Office at the Coronation of King *Charles the Second*, April 23. 1661.

Chancellor, *Cancellarius*, Cometh of the French *Chancelier*. *Vincent Lupanus de Magistratibus Francorum*, saith, That *Cancellarius* is no Lat. word, tho' he citeth Lat. Writers that use it: With him agreeth *Petrus Pitheus*, lib. 2. *Adversariorum*, cap. 12. And whereas *Lupanus* would derive it from the Verb *Cancello*, *Pitheus* thinks he hath some (tho' not sufficient) colour for his Opinion; and therefore derives it from *Cancellis*, an inclosed or separated place, a Chancel; or place inclos'd with Bars, to defend the Judges and other Officers from the puffs of the People. *Cancellarius* at first, as *Lupanus* thinks, signify'd the Registers in Court; *Grapharius*, scil. *qui conscribendis & excipendis judicium actis dant operam*. But this Name in our Days is highly advanc'd; and not only in other, but in our Kingdom also is given to him that is the Chief Man for matter of Justice (in Private Causes especially) next unto the Prince: For whereas all other Justices are ty'd to the Law, and may not swerve from it in Judgment; The *Chancellor* hath in this the King's Absolute Power to moderate and temper the written Law, subjecting himself only to the Law of Nature and Conscience, ordering all things *juxta æquum & bonum*. And therefore *Stamford* in his *Prærogative*, ca. 20. fol. 65. saith, That the *Chancellor* hath two Powers; one Absolute the other Ordinary; meaning, that tho' by his Ordinary Power, in some Cases, he must observe the Form of Proceeding, as other ordinary Judges; yet that in his Absolute Power he is not limited by the written Law, but

but by Conscience and Equity, according to the circumstances of the Matter in question. But how long he hath had this Power, some would doubt: For *Polydore Virgil*, lib. 9. Hist. Angl. hath these words of *William the Conqueror*, *Instituit etiam scribarium collegium qui Diplomata scriberent, & ejus collegii Magistrum vocabat Cancellarium, qui paulatim supremus factus est Magistrus, qualis hodie habetur.* And see *Fleta*, lib. 2. cap. 13. This High Officer seems to be brought from France to us, as many other Officers and Usages be. But Mr. *Dugdale*, in his *Origines Judiciales*, makes this an Error, giving us a Catalogue of Chancellors before that Time: He that with us beareth this Magistracy, is call'd The Lord Chancellor of England, Anno 7 R. 2. cap. 14. and by the Stat. 5 Eliz. cap. 18. the Lord Chancellor and Keeper have all one Power. He is made by the King, by delivery of the Great Seal to him, and taking an Oath. See *Lord Keeper*. See *Fleta*, l. 2. c. 12, 13. And *Co. Inst.* 4. fol. 78, 79. There are divers other inferior Officers that be call'd Chancellors, as Chancellor of the Exchequer, 21 H. 8. 16. whose Office hath been thought by many, to have been created for the qualifying of Extremities in the Exchequer. He sitteth in the Court, and the Exchequer-Chamber, and with the rest of the Court, ordereth things to the King's best benefit: He is always in Commission with the Lord Treasurer, for the Letting of the Lands that came to the Crown, by the Dissolution of Abbeyes, and hath by Privy Seal from the King Power, with others, to compound for Forfeitures of Bonds, upon Penal Statutes: He hath also much to do in the Revenue come by the Dissolution, and First-Fruits, as appears by the Acts of Uniting them to the Crown.

Chancellor of the Duchy of Lancaster, 3 E. 6. 1. and 5 E. 6. 26. Whose Office is principally in that Court to judge, and determine all Controversies between the King and his Tenants, of the Duchy Land, and otherwise to direct all the King's Affairs belonging to that Court.

Chancellor of the Order of the Garter, *Stow's Annals*, 706. Chancellor of the University, 9 H. 5. 8. 2 H. 6. 8. Chancellor of the Court of Augmentations, 27 H. 8. 29. & 32 H. 8. 20. & 33 H. 8. 39. Chancellor of the First-Fruits, 32 H. 8. 45. Chancellor of Courts, 32 H. 8. 28. Chancellor of the Dioceses, 32 H. 8. 15.

Chance-medley, Signifies the casual killing of a Man, not altogether without the Killer's fault, tho' without an evil Intent, *Stans. pl. cor. lib. 1. cap. 8.* calls it *Homicide by Misadventure*, *Wisl. Symb. par. 2. tit. Indictments*, fol. 5. calls it *Homicide mixt.* It is also call'd *Manslaughter by misadventure*, for which the Offendor shall have his Pardon of Course as appears by the Statute of 5 E. 1. 9. But here is to be consider'd, whether he that commits this Manslaughter by Chance-medley, was doing a lawful thing: for if the Act were unlawful, it is Felony. As if two are fighting together, and a third Man comes to part them, and is kill'd by one of the two, without any malice fore-thought, or evil intent in him that kill'd the Man; yet this is Murder in him, and not Manslaughter by Chance-medley, or Misadventure; because they two that fought together were doing an unlawful Act: And if they were met with premeditated Malice, the one intending to kill the other, then it is Murder in them both. See *Skene, de verb. Signif. verb.* Melletum, where he says this in Scotland is call'd *Chaudmelle*.

Chancery, *Cancellaria*, Is a Court of Equity and Conscience, moderating the rigour of other Courts, that are not strictly ty'd to the Letter of the Law, whereof the Lord Chancellor of England, is the Chief Judge, *Gramp. Jur. fol. 41.* Or else the Lord Keeper of the Great Seal, 4 Eliz. ca. 18. The Officers belonging to this Court, are, The Chancellor or Keeper of the Broad

Seal, twelve Masters of the Chancery, whereof some always sit by turns on the Bench, as Assistants; the six Clerks, who have each of them about twenty Clerks under them, in nature of Attorneys in the Court; two chief Examiners, who have each of them several Clerks: One chief Register, who hath usually four or five Deputies: The Clerk of the Crown, the Warden of the Fleet, the Usher, Sergeant at Arms, and Cryer of the Court; the Curitors and their Clerks of the Petty-Bag, the Clerk of the Hanaper, the Controller of the Hanaper, the Clerk of Appeals, the Clerk of the Faculties, the Sealer, the Chafe-wax, the Clerk of the Patents, Clerk of Presentations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerk of the Protections, Clerk of the Subpoenas, Clerk of the Affidavits, &c. which see describ'd in their several places, *Co. 4. Inst. fol. 82.*

Changer, Is an Officer belonging to the King's Mint, mention'd in the Statute of 2 H. 6. ca. 12. where also written after the old way *Changour*, whose Business was chiefly to exchange Coyn for Bullion, brought in by Merchants, or others.

Chantry. See Chantry, founded by *Hamo Doge*, 1264. *Somner Catuar. p. 67. & Will. Thorne, sub Anno—* See Chantry.

Chapel, *Capella*, Cometh from the French *Chapelle*, that is, *Edicula*; and is of two sorts, either adjoining to a Church, as a Parcel of the same, which Men of Worth do Build, *ut ibidem Familiaria Sepulchra sibi constituent*; or else separate from the Mother-Church, where the Parish is wide, and commonly call'd *A Chapel of Ease*, because it is built for the Ease of one or more Parishioners that dwell too far from the Church, and serv'd by some inferior Curate, provided at the charge of the Rector, or of them that have benefit by it, as the Composition or Custom is. Whence the word is deriv'd, the Canonists differ in Opinion, neither will we trouble our selves about it, since it makes not much to our Purpose. There is a Free-Chapel, which seemeth to be such as hath Maintenance perpetual, towards the Upholding thereof, and Wages of the Curate, by some Lands charitably bestow'd on it, without the Charge of the Rector, or Parish, 37 H. 8. cap. 4. Anno 1 E. 6. cap. 14.

Chapellaine, or Chaplaine, *Capellanus*, Is he that performeth Divine Service in a Chapel; and therefore in the Common-Law, it is us'd most ordinarily for him that is depending upon the King, or other Man of Worth, for the Instructing him and his Family, to Pray and Preach in his Private House, where commonly they have a Chapel for that purpose, as 21 H. 8. 13. where it is set down what Persons may privilege one or more Chaplains, to discontinue from their Benefices for their peculiar Service.

Chapelry, *Capellania*, Is the same thing to a Chapel, as a Parish is to a Church. See the State of 14 Car. 2. cap. 9.

Chaperon, A Hood or Bonnet, mention'd in the Stat. 1 R. 2. 17. and in Heraldry is that Title *Escutcheon*, which is fix'd on the Fore-head of the Horses that draw a Horse to a Funeral.

Chapiters, *Capitula*, cometh of the French *Capitre*, i. e. *caput libri*: It signifies in our Common-Law a Summary, or Content of such matters as are to be enquir'd of, or presented before Justices in Eyre, Justices of Assize, or of Peace, in their Sessions: So it is us'd Anno 3 E. 1. ca. 27. in these words. And that no Clerk of any Justice *Eschetor*, or Commissioner in Eyre, shall take any thing for delivering Chapiters, but only Clerks of Justices in their Circuits. And again, *Art 13 E. 1. ca. 10.* in these words, 'And when the time cometh the Sheriff shall certify the Chapiters before the Justices in Eyre, how many Writs he hath, and what,

Et c. Britton also useth the word in the same Sense, cap. 3. Chapters, or Capitula, be now call'd Articles most ordinarily, and are deliver'd as well by the Mouth of the Justice in his Charge, as by the Clerks in writing to the Inquest; whereas in ancient times, as appeareth by Bracton and Britton, they were, after an Exhortation given by the Justices for the good observation of the Laws, and the King's Peace, first read distinctly and openly in the whole Court, and then deliver'd in writing to the Grand Inquest. And the same order doth Lambert wish to be kept in these days, Eirenarc. lib. 4. cap. 4. pag. 393. Horne in his Mirrour of Justice, calleth them Articles, and expresseth what they were wont to contain, lib. 3. cap. de Articles in Eyre. An example of these Chapters or Articles, you have in the Book of Assise, fol. 138. num. 44. As also in Roger Hoveden, parte poster. suor. Annal. in Richardo Primo, fol. 423.

Chapter, Capitulum, Signifieth in our Common-Law (as in the Canon-Law) whence it was borrow'd, Congregationem clericorum in Ecclesia Cathedrali, conventuali, regulari vel collegiata; and in another sense, Locum in quo sunt communes tractatus collegiatorum. It hath other significations, tho' not worth the repeating in this place, which you may read in Linwood's Provincialis Gloss. in ca. Quia incontinentia, de constitutionibus verb. Capitulis. Such a Collegiate Company is Metaphorically term'd Capitulum, that is, a little Head, for such a Corporation is a kind of Head, not only to Rule and Govern the Diocesis in the Vacation of a Bishoprick, but also in many things to advise the Bishop, when the See is full, Panormitan. in cap. Capitulum extra de Rescriptis.

Chareca, A Charr, Carr, or Cart. — Concessum est ut predicti Abbas & Convo. tradant Johanni & Agnet uxori sue, ac heredibus suis tres charecas claustræ de subbosco suo annuatim per liberationem Ballivi vel Prepositi. — Itaque nec prefatus Johannes & Agnes uxor in predictum boscum cum carris suis de cetero aliquem ingressum habeant, nec estoverium boschie nisi tantum tres charecas annuatim, ut predictum est. Cartular. Abbat. Glaston. MS. fol. 91 a.

Charks. Wood when charr'd is properly Char-coal; the Pit-coal, when so charr'd or chark'd in Worcester-shire is call'd Charks, as the Sea-coal so prepar'd about Newcastle, is call'd coke.

Charre of Lead, A Charre of Lead consists of Thirty Pigs, each Pig containing six Stone wanting two Pound, and every Stone being twelve Pound, Assisa de ponderibus, Rob. 3. R. Scot. cap. 22. sect. 2.

Chartra. The word was taken not only for a Charter or Deed in writing, but any Signal or Token by which an Estate was held. As — Willmus filius Nigelli tenuit custodiam foreste de Bernwode, de Domino Rege per unum cornu quod est charta predictæ foreste. Patroch. Antiq. p. 73.

Charte, Charta, Paper, Parchment, or any thing to write on; also a Card which Mariners use at Sea, mencion'd 14 Car. 2. cap. 33. See Charter.

Chartel, A Letter of Defiance, or Challenge to a Duel, in use heretofore, when Combats were in Practice, to decide difficulty, and not otherwise to be determined, Controversies in Law.

Charta Pardonationis De defendendo, Is the Form of a Pardon, for slaying another Man in his own Defence, Reg. Orig. fol. 287.

Charta Pardonationis Utlagariæ, Is the Form of a Pardon for a Man that is Outlaw'd, Reg. Orig. fol. 288, 388.

Charter, Charta, French Charters, that is, Instrumenta: It is taken in our Law for written Evidence of things done between Man and Man; whereof Bracton, lib. 2. cap. 16. num. 1. saith thus, Fiant aliquando donationes in scriptis, seu chartis, ad perpetuam rei me-

moriæ propter brevem hominum vitam, &c. And a little after, num. 12. Et sciendum quod chartarum, alia Regia, alia privatorum, & regularium alia privata, alia communis, & alia universalis. Item privatorum alia de Feoffamento puro & simplici, alia de Feoffamento conditionali, & secundum omnia genera Feoffamentorum fieri potest. Item privatorum alia de recognitione pura vel condicionali: Item alia de quiete-clamantia; Item de alia confirmatione, &c. and so through the whole Chapter. Britton likewise in his Thirty Ninth Chapter, divideth Charters into the Charters of the King, and Charters of Private Persons: Charters of the King, are those whereby the King passeth any Grant to any Person or more, or to any Body-Politic, as a Charter of Exception, that a Man shall not be empennell'd upon any Jury, Kitchin, fol. 114, & fol. 177.

Charter of Pardon, Whereby a Man is forgiven a Felony, or other Offence committed against the King's Crown and Dignity, Bro. tit. Charter of Pardon. Charter of the Forest, wherein the Laws of the Forest are compris'd, An. 9 H. 3. Crompt. Jur. fol. 147. Pupilla oculi, par. 5. cap. 22. Manwood, par. 1. of his Forest-Laws, fol. 1. where he setteth down the Charter of Canutus, and fol. 11. where he setteth down that which was made 9 H. 3. with the Charter of the Forest which we use, Skene saith, That the Laws of the Forest in Scotland do agree, de verb. Signif. verbo Venison. Charter of Land, Brooke, eodem titulo. That which we call a Charter, the Lombards, in libris Feudalibus, call Præceptum, Præceptionem, Hottoman, verbo Præceptum in verbo feudalibus. Of these Charters you have also a long Discourse in Fleta, lib. 3. cap. 14. who expoundeth every substantial part of a Deed of Gift particularly in Order. See Magna Charta.

Charter-Land, Terra per Chartam, Is such as a Man holdeth by Charter; that is, by Evidence in Writing, otherwise call'd Freehold, An. 19 H. 7. c. 13. and Kitchin, fol. 86. And these in the Saxons time were call'd Bockland, which Lamb. in his Explication of Saxon Words, verb. Terra ex scriptis, saith, Was held with more commodious and easie Conditions than Folkland was; that is, Land held without Writing; and the reason is, because that was Hereditaria, libera atque immunis, whereas fundus sine scripto censum pensabat annum atque Officiorum quadam servitute est obligatus; priorem viri plerumque nobiles atque ingenui, posteriorem rustici fere & pagani possidebant. — Illam nos vulgo Free-hold & per chartam hanc ad voluntatem Domini appellamus. Thus far Mr Lambard.

Charter-party, Charta partita, A Deed or Writing divided, is only Paper of Indentures among Merchants and Seafaring-men, containing the Covenants and Agreements made between them touching their Merchandize and Maritime Affairs, 32 H. 8. 14. 12 Car. 2. c. 18. Latches Rip. f. 225. Ballo's Case, and 2. Inst. fol. 637.

Charterer. So in Cheshire they call a Freeholder. Ex pet. Leg. Antiq. p. 356.

Chartis reddendis, Is a Writ which lies against him that hath Charters of Feoffment, deliver'd him to be kept, and refuseth to deliver them, Old Nat. Brev. fol. 66. orig. fol. 159.

Chase, Chace, Cometh of the French word Chasser, that is, Seſari Bellui: It signifies in the Common-Law two things, First, As much as Aſtus in the Civil-Law, that is, a driving of Cattel to or from any place, as to chase a Distress to a Forleer, Old Nat. Brev. fol. 45. Secondly, It is used for a Recceit for Deer, and Wild Beasts of a middle nature, betwixt a Forest and a Park, being commonly less than a Forest, and not having so many Liberties as the Court of Attachment, Swainemote, and Justice-sear; and yet of a larger compass, and stored with greater diversity both of Keepers and Wild Beasts or Game than a Park. And Crompton in his Jurisdictions, fol.

fol. 148. ſaith, That a Foreſt cannot be in the hands of a Subject, but it forthwith loſeth the Name, and becometh a *Chafe*; Yet fol. 197. he ſaith, That a Subject may be Lord and Owner of a Foreſt, which, though it ſeem a contrariety, yet are both his ſayings in ſome ſort true; for a King may give or alienate a Foreſt to a Subject, yet ſo, as when it is once in a Subject, it loſeth the true property of a Foreſt, becauſe that the Courts called a *Juſtice-ſeat*, the *Swainmote*, and *Attachment* forwith do vaniſh; none being able to make a Lord chief Juſtice in *Eyre* of the Foreſt but the King, as *Manning* well ſheweth in his *Foreſt-Laws*, cap. 3. & 4. and yet it may be granted in ſo large a manner, that there may be *Attachment* and *Swainmote*, and a Court equivalent to a *Juſtice-ſeat*, as appeareth by him in the ſame Chapter, num. 3. So that a *Chafe* differeth from a Foreſt in this, becauſe it may be in the hands of a Subject, which a Foreſt in his proper and true nature cannot; and from a Park, in that it is not incloſed, and hath not only a larger compaſs, and more ſtore of Game, but of Keepers alſo and Officers. See *Foreſt*.

Chariſl. See *Catali*.

Champpeert. — Et quod tam prædilecti viginti virgata terre, quam terra unde dicta quaterviginti quatertertia frumenti annua proveniant de nobis in capite per ſervitium vocatum Champpeert, vid. undecima garbe nobis per munus tenentium terrarum earundem annuam ſervandam tenentur. Pat. 35. Ed. III. Pat. 2. m. 18. *Hopital*, de Bowes infra inſulam de Garneſey.

Chauntemedley. See *Chance-medley*.

Chaunteria. — Et ſi cerviſiam putidam præſtat, amittere debet Chaunteriam & braſii valorem ad voluntatem Ballivarum. MS. de Legibus liberi Burgi villa de Montgomery.

Chaunter Cantator, A Singer in the Quire, 13 *Eliz.* cap. 10. At *St. David's* in *Pembrokeshire*, the Chaunter is next the Biſhop, for there is no Dean, *Camb. Britan.*

Chauntry, *Cantaria*, Is a Church, or Chappel, endowed with Lands, or other yearly Revenue, for the Maintenance of one or more Priests daily to ſing Maſs for the Souls of the Donors, and ſuch others as they do appoint, 37 H. 8. 4. 1 E. 6. 14. and 15 Car. cap. 9. Of theſe Chauntries there were Forty ſeven belonging to *St. Paul's Church* in *London*, for which, ſee *Dugdales* *History* of that Church.

Chaus, *Minchet*, White Bread. — Conſeſſerunt mihi ſingulis diebus viſita mea unum ſimencellum de Chaus & unum ſurum michum & unum galonem de cerviſia conventui & alium de cerviſia mixta. Cartular. Rading. MS. f. 103.

Chawdren of *Sea-coaſts*, 9 H. 5. 10. See *Chaldron*.

Checkroll, Is a Roll or Book containing the Names of ſuch as are Attendants in Pay to great Perſonages, as their Houſhold-Servants, 19 Car. 2. cap. 1. It is otherwiſe called *The Chequer-Roll*, Anno 24 H. 8. 13. 3 H. 7. 13. And ſeems to take its Etymology from the *Exchequer*, which ſee.

Checkerelli Panni, Cloth chequered, or variegated in the Weaving. — Henricus Prior & Convent. Eccleſie Chriſti Cant. conſtituit Raymundum Filium Raynoldi Procuratorem & Mercatorem ſuum ad emendum ſingulis annis ducentos pannos quos Friſones vocant, unde viginti erant Chekerelli, & alii plani; & quilibet pannus continebit in longitudine quatuor ulnas, & in latitudine unam unam & dimidium ad minus. — dat. 13. Rul. Sept. 1313. Ex Regiſtr. Eccl. Chriſti Cantuar. MS.

Clerk of the *Checke*. See *Clerk*.

Chemin. See *Chimin*.

Chenſers, Mentioned 27 H. 8. cap. 7. *Que re* if they be not ſuch as pay Tribute or *Conſe*, Chief-rent or *Quit-rent*, for ſo the French *Chenſer* ſignifies.

Cherſet. See *Church-ſite*.

Cherſetum, Any Customary Oblation paid (at firſt perhaps in lieu of Church-Seed or Corn) to the Pariſh Priſt or Appropriators. — Inter ſervitia conſuetudinaria Tenentium in Blebury de dominio Abbatis & Conventus Rading. — Et ſolebant dare Cherſetum ſcilicet tres gallinas & unum gallum. — Cartular. Rading. MS. f. 221.

Chevage, *Chevagium*, Cometh of the French Word *Cheif*, i. e. caput: It ſignifieth with us a Sum of Money paid by Villains to their Lords, in acknowledgment of their Villenage, Whereof *Bracton*, Lib. 1. cap. 10. ſaith thus, *Chevagium dicitur recognitio in ſignum ſubjectionis & Domini de capite ſuo*. It ſeems alſo to be uſed for a Sum of Money yearly given to one by another of Might and Power, for his Avowment, Maintenance and Perfection, as to their Head and Leader, *Lamb. Eirenarch. lib. 2. cap. 5.* writeth it *Chivage*, or rather *Cheifage*. Eſt apud Wallos *Chevagii genus quod Amabur vocant, Principi Wallie pro maritandis filiabus olim ab omnibus (ut aſſerunt) hodie à quibusdam etiam liberis perſolutum*, ſays the learned *Spelman* on the Word *Chevagium*, ſee *Co. on Lit. fol. 140.*

Chevantia, A Loan or Advance of Money upon Credit. Fr. *Chevarice*, Goods, Stock. — Idem Prioratus pene deſtructus, & poſſiſſiones ſue ad plurimos terminos pro plurimis *Chevanciis* alienata exiſtunt. — i. e. Are Mortgag'd out for Debts, or Sums of Money borrowed. — Rex Rever. in Chriſto Patri W. Archiepiſc. Cant. — Nos ſuper executione effectus prædicti cepimus propoſitum ad partes externas perſonaliter tranſſigere & Nos advertentes huiusmodi propoſitum noſtrum abſque *Chevantia* competenti ad optatum finem commodè adduci non poſſe — necnon qualiter dicta *Chevantia* quietius & citius fieri, ac creditoribus noſtris in hac parte meliori & firmiori ſecuritati ſolutio num dari poterit. Summon. ad Parl. 5. Ric. 2.

Cheverillus, A young Cock or Cockling. à *Cheveril*. Mandatum eſt Vicecom. Southampton. quod in balliva ſua perquiri faciat ad opus Regis contra inſtans Paſcha quinquaginta gallinas & viginti *Cheverillos* liberandos apud Clarendon Senſchallis noſtris. — Eodem modo ſcribitur *Vicecom. Wilts. de tot gallinis & tot Cheverellis*. Pat. 15. H. 3.

Cheviſance, Cometh of the French Word, *Chevir*, that is, *Venir a cheiſe de quelque cheſe*, to come to the head or end of a Buſineſs. This Word is uſed 37 H. 8. cap. 9. 13 *Eliz.* cap. 5. & 8. 10 R. 2. cap. 1. & 3 H. 7. 5. for a Bargain or Contract. It ſignifies alſo an unlawful Contract in point of Uſury, ſpoken of 21 Jac. 17. 12 Car. 2. cap. 13.

Cheviria, & *Cheviſa*, Heads of Ploughed-Lands, Novem Acres Terra cum *Cheviſis* ad ipſas pertinentibus, Mon. Ang. 2 Par. Fol. 116.

Cheite. See *Capite*.

Cheifage. See *Chevage*.

Chief pledge. (*Plegius, vel vas capitalis*.) 20 H. 6. cap. 8. For the better underſtanding of this Word, ſee *Borrow-bond*.

Childwit, Is Compounded of two Saxon Words, *Child* and *Wit*; the meaning of the former every one underſtands; for the latter, ſee *Bloodwit*. It ſignifies a power to take a Fine of your Bond-Woman gotten with Child without your Conſent; Within the Mannor of *Writie* in *Com. Eſſex*, every reputed Father of a Baſtard gotten there, pays to the Lord for a Fine, three ſhillings four pence, and the cuſtom is there alſo called *Childwit*.

Chimin, French *Chemin*, Signifies in Law phraſe a Way: It is divided into two ſorts, The Kings Highway, and a private Way, *Kitchin. fol. 35.* The Kings Highway, *Chiminus Regius*, is that by which the Kings Subjects, and all under his Protection, have free Liberty to paſs, though the property of the ſoyl of each ſide,

side, where the Way lyeth, may perhaps belong to some private man. A Way private is that, by which one man or more have liberty to pass, either by Prescription or by Charter, through another Man's Ground. And this is divided into *Chimin in gross*, and *Chimin appendant*, Kitchin, fol. 117. *Chimin in gross* is that Way which a Man holdeth principally and solely in it self: *Chimin appendant* is that which a Man hath adjoynted to some other thing as appurtenant thereto. For Example, If a Man hire a Close or Pasture, and Covenant for Ingrefs and Egress to and from the said Close, through some other Ground, by which otherwise he cannot pass: Or *Chimin in gross* may be that, which the *Civilians* call *personal*; as when one Covenanteth for a Way through another Man's Ground for himself and his Heirs: *Chimin appendant* on the other side, may be that which they call *real*; as when a Man purchaseth a Way through another Man's Ground, for such as do or shall dwell in this or that House for ever, or be Owners of such a Mannor. See Co. on Lit. fol. 56.

Chiminage, *Chiminagium*, Signifieth a Toll for Wayfarage through the Forest, *Crompt. Jur. fol. 189.* and *Manwoods Forest Law*, p. 86. The *Fendits* call it *Pedagium*. See *Chimin*.

Chimney-money, Otherwise called *Hearth-money*, by 14 Car. 2. cap. 12. Every Fire-Hearth and Stove, &c. (except such as pay not to Church and Poor) shall be chargeable with Two Shillings per Annum at Michaelmas and Lady-day to the King, &c. See *Smoke-money*, *Hearth-money*, and *Euage*.

Chirgemore, *Circgemot* or *Chirchgemot*, A Saxon Word signifying *Forum Ecclesiasticum*; Quousque Chirgemot discordantes inveniet vel amore congreget, &c. Leg. H. 1. cap. 8. and 4 Inst. fol. 321.

Chirographum, Any publick Instrument of Gift or Conveyance, attested by the Subscription and Crosses of the present Witnesses, was in the Saxon times called *Chirographum*, which being somewhat changed in form and manner by the *Normans*, was by them stiled *Charta*. Of which *Ingulph* gives this good Account. — *Chyrographorum confessionem Anglicanam quæ antea usque ad Edwardi Regis tempora Fidelium presentium subscriptionibus cum crucibus auris aliisque sacris signaculis firma fuerant; Normanni condemnantes Chirographa Chartas vocabant; & Chartarum firmitatem cum cetera impressione per unius cujusque speciale sigillum sub instillatione trium vel quatuor testium adstantium conficere consuebant.* Hist. Ingulph edit. Gale, p. 901.

— In following times, to prevent Frauds and Concealments, they made their Deeds of mutual Covenant in a Script and Re-script, or in a Part and Counter-part, upon the same Sheet, or Skin of Paper or Parchment, and in the middle, between the two Copies, they drew the capital Letters of the Alphabet, or sometime the word *Syngraphus* in the like great Letters, and then tallied or cut asunder in Indented manner the said Sheet or Skin; which being delivered to the two Parties concern'd, were prov'd authentick by matching with and answering to one another: like the Tallies in Wood, or like our present Indentures in Writing. When this prudent Custom had for some time prevail'd, then the word *Chirographum* was appropriated to such bipartite Writings or Indentures. — *Et in hujus rei testimonium huic scripto in modum Chirographi confesso vicissim sigilla nostra apposuimus.* Mr. Kennet's Paroch. Antiqu. p. 177. — *Ubi autem ista conventio rura & in concussu perpetuo permanent, presentis scripti serie & utriusque Monasterii sigilli testimonio una cum sigillis Abbatum diviso inter eos Chirographo confirmata est.* ib. p. 223. Such alternate Writings were likewise called, *Scripta Chirographata*. ib. p. 234. And *Chartæ divise*. Mon. Angl. tom. 2. p. 94.

Chirographer of fines, *Chirographus Finium* &

Concordiarum, Cometh of the Greek *χρηστωρ*, (a Compound of *χρησ*, *Manus*, a hand, and *γραφα*, *Scribe*, to Write,) so that in plain English, it is a Writing of the Hand: It signifies in the Common-Law, that Officer of the Common Pleas who ingrosseth *Fines* in that Court, acknowledged into a perpetual Record, after they be acknowledged and fully passed by those Officers by whom they are formerly examined, and that Writeth and Delivereth the Indentures of them unto the Party, 2 H. 3. cap. 8. and *West. Symbol. par. 2. tit. Fines, sect. 114. & 129. F. N. B. fol. 147.* This Officer also maketh two Indentures, one for the Buyer, another for the Seller, and makes one other Indented Piece, containing also the Effect of the *Fine*, which he delivereth over to the *Custos Brevium*, that is called *The Foot of the Fine*. The *Chirographer* also, or his Deputy, doth Proclaim all the *Fines* in the Court every Term, according to the Statute; and then repairing to the Office of the *Custos Brevium*, there indorseth the Proclamations upon the backside of the Foot thereof; and alway keepeth the Writ of Covenant, as also the Note of the *Fine*. Hence the Word *Chirographum* was sometimes taken for a *Fine*. — *Promittens fideliter fide media sub juramento quod in adventu Justiciariorum proxime crantium levare faciam Chirographum de predicta remissione* — *Carta Nestæ de Stanley sine dat. in Registro de Wormley.*

Chitte, A Shift, Shirt, or Shroud. — *Thomas Camberworth Knight*, of the Diocese of *Lincoln*, by his last Will made in the Year 1450. thus provides for his Self-denying Funeral. — *Furst I gyff my Sawle to Gode my Lord and my Redemptur, and my wrechid Body to be beryd in a Chitte without any Kyste (i. e. Coffin) in the North Yle of the Parych Kirke of Somersetby, &c.* Ex Reg. *Marwardi Lunley Episc. Linc.*

Chivage. See *Chewage*.

Chivalry, (*Servitium militare*) Cometh of the French *Chevalier*, and signifieth in our Common-Law a Tenure of Land by Knights Service: For the better understanding whereof, it is to be known, That there is no Land, but is holden mediately or immediately of the Crown by some Service, and therefore all our Free-Holds that are to us and our Heirs are called *Fuda* or *Foda*, Fees; as proceeding from the Benefit of the King, for some small yearly Rent, and the performance of such Services as originally were laid upon the Land at the Donation thereof; for as the King gave to the great Nobles, his immediate Tenants, large Possessions for ever, to hold of him for this or that Service or Rent: and they again in time parcelled out to such others as they liked the same Lands, for Rents and Services, as they thought good. And these Services are by *Littleton* divided into two sorts, *Chivalry* and *Socage*, the former is martial and military, the other clownish and rusticall; *Chivalry* therefore is a tenure of Service, whereby the Tenant is bound to perform some noble or military Office unto his Lord; and is of two sorts, either *Regal*, that is, such as may hold only of the King, or such as may hold of a common person: That which may hold only of the King is properly called *Servitium* or *Serjeantia*, and is again divided into *Grand* or *Petit*, great or small; Great, commonly called *Grand Serjeanty*, is that where one holdeth Lands of the King by Service, which he ought to do in his own person; as to bear the King's Banner or his Spear, or to lead his Hosts, or to find a Man at Arms to Fight within the four Seas, &c. *Little. Tit. Serjeanty. Petit Serjeanty* is where a Man holdeth Land of the King, to yield him annually some small thing towards his Wars, as a Sword, Dagger, Bow, &c. *Little. Tit. Petit Serjeanty. Chivalry* that may hold of a common person, is called *Scutagium*, *Esnage*, that is, Service of the Shield, and this is either uncertain or certain. *Esnage* uncertain is likewise

likewise two-fold, First, Where the Tenant is bound to follow his Lord, going in Person, to the King's Wars against his Enemies, either himself, or to send a sufficient Man in his place, there to be maintained at his Cost so many days, as were agreed upon between the Lord and his first Tenant at the granting of the Fee. And the days of such Service seem to have been rated by the quantity of the Land so holden; as if it extend to a whole Knight's Fee, then the Tenant was bound to follow his Lord Forty Days, and a Knight's Fee was so much Land, as in those days was accounted a sufficient living for a Knight, and that was 680 Acres as some hold, or as others 800, or 15 Pounds per Annum, *Camb. Brit. pag. 110.* Sir Thomas Smith saith, *Genus equitatis* is forty Pounds Revenue in Free Lands. But if it extend to half a Knight's Fee, then the Tenant is bound to follow his Lord but twenty days; if to a fourth part, then ten days, *F. N. B. fol. 83, 84.* The other kind of this *Escuage* uncertain is called *Castleward*, where the Tenant by his Land is bound either by himself or some other, to defend a Castle as often as it shall come to his course. *Escuage certain*, is where the Tenant is set at a certain sum of Money to be paid in lieu of such uncertain Service; as that a Man shall pay yearly for every Knight's Fee twenty Shillings, *Stow Annal. pag. 238.* for half a Knight's Fee ten, or some like rate: And this Service, because it is drawn to a certain Rent, groweth to be of a mixt nature; not merely Socage, for that it smelleth not of the Plough, and yet Socage in effect, being now neither personal service nor uncertain, *Lit. tit. Socage.* This Tenure called *Chivalry*, hath other Conditions annexed to it, as *Homage, Ralsh, Wardship, Relief, and Marriage*, *Bract. lib. 2. cap. 35.* which what they signifie look in their places: *Chivalry* is either *general* or *special*, *Dyer, fol. 161. num. 47.* *General* seemeth to be, where it is only said in the Feoffment, That the Tenant holdeth *per servicium militare*, without any specification of *Sergeanty, Escuage, &c. Special*, That which is declared particularly, what kind of Knight's Service he holdeth by. But there is a great alteration made in these things by the Statute, made 12 Car. 2. cap. 24. which saith, All Tenures by Knight's Service of the King, or of any other Person, Knight's Service in *Capite* or *Socage*; in *Capite* of the King, and the Fruits and Consequences thereof hapned, or which shall or may happen or arise thereupon, or thereby, are taken away and discharged: And all Tenures of Houses, Mannors, Lands, &c. shall be construed and adjudged to be turned into Free and common Socage, &c.

Choral, Choralis, Is such a person of whom Mr. Dugdale in his Hist. of St. Paul's Church, p. 172. says, There were Six, whom he calls *Vicary Chorals*, belonging to that Church, and signifies one that by virtue of any of the Orders of Clergy, was in ancient time admitted to sit and serve God in the Quire, which in Latine is termed *Chorus*.

Choripiscopi, Suffragan or Rural Bishops, delegated by the prime Diocesan; their Authority was restrain'd by some Councils, and their Office by degrees abolish'd. After whom the Rural Deans were so commission'd to exercise Episcopal Jurisdiction, till inhibited by P. Alexander III. and the Council of Tours. See Mr. Kennet's *Paroch. Antiq. p. 639.*

Chose, Res, In French a thing: It is in the Common-Law used with divers *Epithetes* worthy the Interpretation; as *Chose local* is such a thing as is annexed to a place: For Example, a Mill is *Chose local*, *Kitchin, fol. 18.* *Chose transitory*, seemeth to be that thing which is moveable, and may be taken away, or carried from place to place. *Chose in Action*, is a thing incorporeal, and only a Right, as an Annuity, an Obligation of Debt, a Covenant, or Voucher by Warranty, *Bro. tit.*

Chose in Action: And it seemeth, that *Chose in Action* may be also called *Chose in Suspence*, because it hath no real existence or being, neither can be properly said to be in possession. *Bro. ibid.*

Chop church, Ecclesiarum permutatio, Is a word used 9 H. 6. 65. As for Example, If two Parsons of several Churches change their Benefices, and resign them into the hands of the Ordinary to that intent, and the Parsons make Presentations accordingly, and one of them is admitted, instituted and inducted accordingly, and the other is admitted and instituted, but dyeth before Induction; the other Parson shall not retain the Benefice in which he was inducted, for the change is not perfected, being not executed. By the fore-mention'd Book, it seems, in those days a kind of Trade; yet *Broke* in his *Abridgment* says, It was only permissible by Law; without peradventure it was a Nickname, for such as used to change Benefices; for we to this present usually say, *To chop and change.* See *Spelm. de conc. vol. 2. fol. 642.*

Chrism, A Confection of Oyl and Balsam consecrated by the Bishop, and used in the Popish Ceremonies of Baptism, Confirmation, and sometimes Ordination.

Chrismale, Chrismal, Chrism, Crysm, The Face-Cloth, or piece of Linnen laid over the Child's Head at Baptism, which of old was a Customary due to the Parish Priest. — *Mulieris sequentes debent offerre Chrismalia Infantum, nec Chrismalia debent alienari, nec in aliquos usus mitti debent, nisi in usus Ecclesie.* — *Statuta Aegidii Episc. Saruber. Anno 1256.*

Chrismatis denarii, Chrism-Pence, Money paid to the Diocesan, or his Suffragan, by the Parochial Clergy, for the Chrism consecrated by them about Easter, for the Holy Uses of the Year ensuing. This customary Payment being made in Lent near Easter, was therefore in some places call'd *Quadragesimalis*, and in other *Paschalis* and *Easter-Pence*. The Bishops Exaction if it was condemn'd by Pope Pius III. for Simony and vile Extortion: And therefore the Custom was releas'd and quit-claim'd by some of our English Bishops. — As *Ruber* Bishop of Lincoln, by express Charter. — *Sciatz hoc remisisse Clericis omnibus infra Episcopatum Lincolnensem Paschalem consuetudinem quam Chrismatis denarios vocant.* — *Testibus Waltero Abbate de Kirkstede. Radulfo Abbate de Ludu. David Abbate de Barling. Magistro Gilberto de Sempringham. Cartular. Mon. de Berdenay. MS. Carton.*

Christianitatis Curia, The Court Christian or Ecclesiastical Judicature, oppos'd to the Civil Court or Lay Tribunal, or *Curia Domini Regis*. These Courts of Christianity were not only held by Bishops in Synods, and their Archdeacons and Chancellors in Consistories: but in the Rural Chapters, where the Rural Dean or *Decanus Christianitatis* presided, and the Parish Priests were Assessors or Assistants. See *Kennet's Discourse of Rural Deans*, in his *Paroch. Antiq. p. 641.* Hence *Justitiam Christianitatis facere* was to prosecute and censure a Criminal in the Ecclesiastical Court. As *An. 28. Ed. 1.* — *Alex. Linc. Episc. Guidoni de Choring Parochiano suo salutem. Mando tibi & precipio ut cito reddas Ecclesie de Egnesham, & Waltero Abbati Ecclesiam de Meritona. — Quod ut cito feceris precipio ut Walterus Archidiaconus justitiam Christianitatis faciat donec reddas. ib. p. 90.*

Chuepa, Chop or Exchange. — *Dedi essarta de dominio Patris mei & unam virgatam terre de chuepa quam Andreas tenet.* — *Curular. Radings. fol. 54.*

Church-reeve, Is the same with *Church-warden*; *Reeve* in the Saxon being as much as Guardian in the French, and signifies the Guardian or Overseer of the Church, as *shire-Reeve* is the Guardian of the Shire or County, and *Port-Reeve* of the Port or Haven, though afterwards it became a name of Office. The word is

now out of use, but used by *Chaucer*, speaking of the Jurisdiction of Archdeacons. See Church-wardens.

Church-mardens, *Ecclesiarum Gardiani* be Officers yearly chosen, by the consent of the Minister and Parishioners, according to the custom of every several place, to look to the Church, Church-yard, and such things as belong to both, and to observe the behaviours of their Parishioners for such faults as appertain to the Jurisdiction or Censure of the Court-Ecclesiastical. These be a kind of Corporation, enabled by Law to sue for any thing belonging to their Church, or Poor of their Parish. See *Lamb. Duty of Churchwardens*.

Churchesell, *Chiriscsear*, *Chirses* or *Curescet*, A Saxon word mention'd in *Doomsday*, and interpreted by Mr. *Agar*, *Quasi Semen Ecclesie*, Corn paid to the Church. *Fleta* calls it *Chirscel*, lib. 1. cap. 47. and thereof writes thus, It signifies a certain Measure of Wheat, which in times past every Man on St. Martin's day gave to the Holy Church as well in times of the Britains as of the English; yet many great persons after the coming of the Romans gave that Contribution, according to the ancient Law of *Moses*, in the name of First-fruits; as in the Writ of King *Canutus* sent to the Pope is contain'd, in which they call that Contribution, *Chirch-sed*, as one would say Church-seed, *Seld. Hist. Tysbes*, p. 216.

Churcot, Church-Scot, or customary Oblations to the Parish Priest: from which Duty the Religious had sometimes purchas'd an Exemption for themselves and their Tenants. — *Ita quod ego Willelmus de Putot at Assignati mei in Effora erimus soluti at quieti de decimis minutis prestandis &c de Churcot in villa de Neubold.* — *Cartular. damus de Thelissford*, MS.

Churle, *Coerle*, *Carl*, was in the Saxon time a Tenant at Will, of free Condition, who held some Land from the *Thane*, on condition of Rents and Services. Which *Coerles* were of two sorts; one that hired the Lords Out-land or Tenementary Land, like our Farmers; the other, that tilled and manured the Inland or Demains (yielding *opcam* not *cenfum*, work and not Rent) and were thereupon called his Socmen or Ploughmen. *vid. Spelman of Feuds*.

Cinnamon, *Cinnamomum*, Is a Tree whereof the Bark is known to be pleasant, and a comfortable and medicinal Spice, which you have described in *Gerards Herbal*, lib. 3. cap. 142. This is reckoned among garbleable Spices, *Anno 1^o Ja. cap. 19*.

Cinque Ports, *Quinque Portus*, Be those special Havens that lie toward France, and therefore have been thought fit by our Kings from time to time to be such as ought most vigilantly be guarded against Invasion: In which respect the places where they be, have an especial Governor or Keeper called, by his Office, Lord Warden of the Cinque Ports, and divers Privileges granted unto them, as a particular Jurisdiction, their Warden having the Authority of an Admiral among them, and sending out Writs in his own Name. *Crompton* in his *Jurisdictiones*, fol. 28. nameth *Hastings*, *Rumney*, *Rye*, *Dover*, *Sandwich*, *Winchelsea* and *Hythe*, whereof some, because the number exceedeth five, must either be added to the first Institution by some later Grant, or be accounted as Appendants to some of the rest. See *Gardeine of the Cinque Ports*, and the Stat. 32 H. 8. cap. 48. See *Quinque Portus*, and 4. *Inst.* fol. 222.

Cippus, A pair of Stocks to put Offenders in. — *Habeant, necnon Cippos & conclusoria in singulis villis, ad correctionem delinquentium*, Mon. Ang. 2 par. f. 349. a.

Circuity of Action, (*Circuitus Actionis*) Is when an Action is rightfully brought for a Duty, but yet about the Bush, as it were, for that it might have been as well otherwise answered and determined, and the Suit saved; and because the same Action is more than needful, it is call'd *Circuity of Action*; as if a Man grant a Rent-charge of ten Pounds out of his Marmor of *Dale*, and

after the Grantee disseizes the Grantor the of same Mannor, and he brings an *Assise*, and recovers the Land and twenty Pounds damages, which twenty Pounds being paid, the Grantee of the Rent sues his Action for ten Pound of the Rent due during the time of his Disseisin, which if no Disseisin had been, he must have had. This is called *Circuity of Action*, because it might have been more shortly answered; for whereas the Grantor shall receive 20 li. Damages, and pay 10 li. Rent, he might have received but the 10 li. only for the Damages, and the Grantee might have cut off, and kept back the other 10 li. in his hands, by way of detainer for his Rent, and so thereby might have saved his Action.

Circumspecte Agatis, Is the Title of a Statute made 13 E. 1. Anno Domini, 1285. prescribing some Cases to the Judges, wherein the King's Prohibition lies not, *Co. lib. 7. fol. 44. lib. 5. fol. 67. and 2 par. Inst. fol. 487.*

Circumstantibus, In English *By-standers*, Is a word of Art, signifying the supply or making up of the number of Jurors (if any impannell'd do not appear, or appearing, be challenged by either party) by adding to them so many other of those that are present or standing by, as will serve the turn 35 H. 8. c. 6. 5 Eliz. c. 25. *Circusfest*. See *Churchesell*.

City, *Civitas*, Is such a Town-Corporate as hath a Bishop and a Cathedral Church, of which it is said thus, The same place is in Latine called *Urbs*, — *Civitas*, and *Oppidum*: It is named *Civitas*, in regard it is governed in Justice, and Order of Magistracy. *Oppidum*, for that it contains a great number of Inhabitants; and *Urbs*, because it is in due form begirt about with Walls. Yet *Crompton* in his *Jurisdictiones*, where he reckoneth up the *Cities*, leaveth out *Ely*, although it have a Bishop and Cathedral-Church, and putteth in *Westminster*, though it hath at present no Bishop. And Anno 35 Eliz. cap. 6. *Westminster* is called a City. And 27 Eliz. cap. 5. of the Statutes not Printed, it is alternatively termed a City or Borow. It appeareth by the Statute 35 H. 8. 10. that there was a Bishop of *Westminster*, though now but a Deanry, and entruled The Dean and Chapter of the Collegiate Church of St. Peter in Westminster. *Civitas* according to *Aristotle*, li. *Politico*. cap. 1. is defined to be a certain or uniform Government of the Inhabitants, *Et Caesar*, *Civitatem* vocat, *populum eodem jure utentem*, *Camb. Brit.* p. 310. But this is the general Definition of a Common-wealth, and not of a City at the least, as we now adays take it. *Cassanens* in *Consuetud. Burg.* pag. 15. saith, That France hath within the Territories of it one hundred and four Cities, and giveth reason of this saying, because there be so many Seats of Archbishops and Bishops. Sir Edward Coke makes Cambridge a City, *Mich. 7. R. 1. Rot. 1.* yet there is no mention that it ever was an Episcopal See. *Co. on Lit.* fol. 109. and by the Stat. 11 H. 7. cap. 4. it is called only The Town of Cambridge.

Clack, As to *Clacks*, *Force* and *Bard*, alias Beard Wools, Anno 8 H. 6. cap. 22. whereof the first, viz. to Clack Wool, is to cut off the Sheeps Mark, which maketh it to weigh less, and so yield the less Custom to the King: To *force* Wool, is to clip off the upper and more Hairy part of it. To *bard* or beard it, is to cut off the Head and Neck from the rest of the Fleece.

Cladus, *Clades*, *Clada*, *Cleta*, *Clida*, *Cleia*, From the Brit. *Clie*; the present Irish *Clia*, a Wattle or Hurdle, whence Dublin was formerly called *Biarle Clie*, i. e. *Watlington*, the Town of Hurdies. — A Hurdle for penning or folding Sheep is still in some Counties of England called a *Cley*. — *Et in xii.* *Cladis ovilibus emptis de Nicolao Aleyn hoc anno xxviii. den. & in solutio pro putatione & scituaria triginta Cladorum ovilium apud parcum de Midlington hoc anno xix. den.* — *Paroch. Antiq.* p. 575.

Claretum, A Liquor made of Wine and Honey, clarified or made clear by Decoction, &c. which the Germans, French, and English, called *Hippocras*. And it was from this, the Red Wines of France were called *Claret* and *Claret*. — *Ad hoc etiam in tanta abundantia vinum hic videtur, & fuerant, pigmentum, & claretum myrum & medonem*. Girald. Camb. apud Wharton Angl. Sac. P. 2. p. 480.

Clapnet, *Clameum*. Is a Challenge of Interest in any thing that is in the possession of another, or at the least out of his own, as *claims* by charter, *claims* by descent, Old Nat. Brev. fol. 11. *Si dominus infra annum clameum qualiterque apposerit*, Bract. lib. 1. cap. 10. See the definition, and divers sorts of *claims* in *Plowden*, fol. 359. *Stow's Case*.

Clamra admittenda in Itinere Attornatum. Is a Writ whereby the King Commands the Justices in Eyre to admit of ones *claims* by Attorn, that is employed in the King's Service, and cannot come in his own Person. *Reg. Orig. fol. 19.*

Clapboard, 35 *Eliz. cap. 11.* Is board cut in order to make Casks or Vessels.

Clarenting. See *Herald*.

Clauo. Brit. a Ditch. — *Per illam rivulum usque ad quoddam claud, juxta Colmair. Carta Leuelin Principis Wall. dat. An. 1198.*

Clauere, To enclose, or turn open Fields into Closes and Enclosures. — *Dedi & concessi totam culturam ad claudendum & faciendum quicquid inde dillus Canonici placuit*. Paroch. Antiq. p. 235.

Claves Infusa, Is a Term of Art us'd in the Isle of Man, for those Twelve to whom all ambiguous and weighty Cases are refer'd.

Clavina. The Clovery, or Mace, or Club. In the Inquisition of Serjantries in the 12th and 13th Years of *E. John*, within the Counties of *Essex* and *Hertford*. — *Boydin Ayler tenuit quatuor libr. terre in Bradwell, per manum Willelmi de Dona per Serjantiam Clavine, i. e. by the Serjancy of the Club or Mace*. See *Dr. Brady's* Append. to *Introduct. to Engl. Hist.* p. 22.

Clauisick, *Clauisike*. The Claw-sickness, or Foot-rot in Sheep. — *An. 1277. invaluit generalis scabie rotum per universam regionem Anglie que a vulgo dicebatur clauisick, per quam infesta sunt omnes terre, ad quarum scabiam aboleendam adiuvenda est quedam unctio confecta ex vitro argento & uncto porcino*. *Annal. Warverle*, sub An. — We have not lost the Disease, nor found a better Receipt for it.

Claustrum, Brush-wood for Hedges or Fences. — *K. Hen. III. gave to the Prior and Canons of Chetwode, — quinque carucatas claustrum ad predella terra claustrum sustinendam*. Paroch. Antiq. p. 247. This Sort of Wood is in many parts of England call'd *Tenage*, from Sax. *Tynan*, to enclose or shut; whence to *shut the Door*, i. e. to shut it.

Clause Roll. *Rotuli clausi*, preserv'd in the Tower, and containing such matters of Records as were committed to *close writs*.

Clasum fregit, Signifies as much as an Action of Trespas; and so call'd, because in the Writ such a one is summon'd to answer *Quare clasum fregit*, that is, why he did such a Trespas.

Clasum Pasche, *Star. Westm. 1. in crastino clausi Pasche*, or in crastino *ostabris Pasche*, which is the same, that is the morrow of the *Vitas* or *Easter*; 2 *Par. Infl.* fol. 157. It is call'd *Clasum Pasche*, because *Pasche claudat*.

Clasura Heye. *Johannes Stanley Ar. clamat quod ipsi & heredes sui sint quieti de clasura Heye de Maulesfield, scil. clasura unius rode terre circiter hayam predicta*. Rot. plac. in itinere apud cestriam, *Ann. 14 H. 7.*

This *clasura heye* is no more than the Enclosure of a Hedge.

Clawa, A Close, or small Enclosure. — *Ego Adam Hileman Frater Willelmi Hileman pro anime mea salute dedi — Deo & Ecclesie beate Apostolorum Petri & Pauli de Plimpton. — Unam domum cum orto in villa de Overdene & unam clawam terre cum pertinentiis in terra de Overdene — que scilicet clawa terra sic jactet per partes*. — *Ex Registr. de Plimpton MS.*

Clerge, (*Clerus*, *clericatus*) Is diversly taken, sometimes for the whole number of those that are *de clero Domini*, of the Lord's Lot or Share, as the Tribe of *Levi* was in *Judea*, sometime for a Plea to an Indictment or an Appeal, and is by *Stamf. pl. cor. lib. 2. cap. 41.* thus defined: *Clergy* is an ancient liberty of the Church, which hath been confirmed by divers Parliaments, and is, when a Priest, or one within Orders, is arraigned of Felony before a Secular Judge, he may pray his *Clergy*, which is as much as if he prayed to be delivered to his Ordinary, to purge himself of the Offence objected: And this might be done in *Co. lib. 4. fol. 46. a.* This liberty is mentioned in *Articulis cleri*, 9 *E. 2. cap. 15.* and what persons might have their *Clergy*, and what not, see *Stamf. pl. cor. lib. 2. cap. 43.* Howbeit there be many Statutes made since he writ; whereby the benefit of *Clergy* is abridged: As *Anno 8 Eliz. cap. 4. Anno 14 Eliz. 5. 18 Eliz. 4. 6. 7. 23 Eliz. 2. 29 Eliz. 2. 31 Eliz. 12. 39 Eliz. 9. 15.* and divers others since. Of this, see *Crompton's Justice of Peace*, fol. 102, 103, 104, 105, and *Lambert's Epim. lib. 4. cap. 14. pag. 543.* And here note, That the ancient course of the Law in this point of *Clergy* is much altered; for by the Statute, 18 *Eliz. cap. 7.* Clerks be no more delivered to their Ordinaries to be purged, but now every man, though not within Orders, is put to read at the Bar, being found Guilty, and convicted of such Felony as this Benefit is granted for, and so burnt in the Hand, and set free for the first time, if the Ordinaries Commissioner, or Deputy, standing by, do say, *Legit ut clericus*, or otherwise suffereth death for his Transgression. How far the Benefit of *Clergy* took its original from Canon Law, and has been since abridged and extended by Common-Law, is best shewn in *Hobart's Reports. Starke versus Williams*, p. 288. There is also a good Discourse of this Right of the *Clergy*, by Mr. Somner, in the Appendix to his *Antiquities of Canterb.* 4to.

Clerico capto per Statutum Perccutorum, &c. Is a Writ directed to the Bishop, for the delivery of a Clerk out of Prison that is in custody upon the breach of a *Statute-Merchant*, *Reg. Orig. fol. 147.*

Clerico admittendo, Is a Writ directed to the Bishop, for the admitting of a Clerk to a Benefice upon a *Ne admittas*, try'd and found for the Party that procureth the Writ, *Reg. Orig. fol. 31.*

Clerico convicto commissio Carolæ in defectu ordinarii deliberando, &c. Is a Writ for the Delivery of a Clerk to his Ordinary, that formerly was convicted of Felony, by reason his Ordinary did not challenge him according to the Privileges of Clerks, *Reg. Orig. fol. 69. a.*

Clerico infra sacros Ordines constituto non eligendo in Offitium, Is a Writ directed to the Bayliffs, &c. That have thrust a Bayliff, or Beadleship upon one in Holy Orders, charging them to release him again, *Reg. Orig. fol. 143. a.*

Clericus. The word was us'd for a Secular Priest, in opposition to a Religious or Regular. King John in the time of the *Interdict*, committed to *William de Cornhill*, and *Gerard de Camvill*. — *Omnes terras & res Abbatum & Priorum, & omnium Religiosorum, & etiam Clericorum de Episcopatu Linc.* Paroch. Antiq. p. 171.

Clericus Waterdoris, A Parish Clerk, or inferior Assistant to the Parochial Priest, who usually took an Oath of Fidelity from this Servant. Before the Reformation, the Rector was sometime oblig'd to provide

vide and maintain his own Clerk; and sometime the Religious Appropriators were bound to find and support a Clerk, as a menial Servant to the Vicar. So in all the Churches appropriated to the Abby of *Oseney*, — *Canonici vero Clericum Vicario, & Ecclesie ministerio, & eius obsequio devorum invenient, qui juramentum fidelitatis ipsi Vicario prestabit.* — *Ubi autem non fuerint Canonici residentes, Clericus, qui, ut supradictum est, expensis eorum procurabitur, clavem eorum deferet in domo eorum, &c.* Paroch. Antiq. p. 304. The Parish Clerks were formerly to be Men of Letters, and to teach a School in the Parish, and were sometimes elected by the Parishioners, two for each Church, (as the *Sacristan* or *Sexton*, and *Clerk* in our City Churches) being suppos'd to live upon the Alms and voluntary Contributions of their Electors. So *John Peckham* Archb. of *Canterbury*, An. 1280. ordain'd the Church of *Banquet*, and the Chapels annex to it, — *Vovimus insuper ibidem esse duos Clericos Scholasticos per Parochianorum, de quorum habeant vivere elemosynis, industriam eligendos, qui Aquam benedictam circumferant in Parochiam at capella diebus Dominicis & Festivis, in Divinis ministrantes officiis, & profectis diebus disciplinis Scholasticis indulgentes.* Mon. Angl. tom. 3. p. 227. Parish Clerks were to be School-Masters in Country Villages, by the Constitutions of *Alexander* Bishop of *Coventry*, An. 1237. &c. Hence the School-House, or place of Teaching was often in the Belfrey, in the Church-Porch, or some contiguous Building; and hence the profaner use of still teaching in the Chancels. It would however be a good service to the Church and Nation, to restore this ancient Practice, especially in remote Country Villages, where the Clerk would do more to the Service of God, and the Benefit of the People, if he were able to instruct the Children in Reading and Writing, and understanding the Church Catechism; thus they might be bred to some sense of Christianity and good Manners.

Clerk, Clericus, hath two Significations; one as it is the Title of him that belongeth to the holy Ministry of the Church, that is (as we reckon) either Minister or Deacon, or what other Degree or Dignity soever; tho' according to former Times, not only *Sacerdotes & Diaconi*, but also *Subdiaconi, Lectores, Acolyti, Exorciste, & Obitarii*, were within this Account, as they be at this Day, where the Canon-Law hath full Power. And in this signification a Clerk is either Religious (otherwise call'd Regular) or Secular, Anno 4. H. 4. ca. 12. The other Signification of this word noteth those that by their Function, or course of Life, practise their Pen in any Courts, or otherwise; as namely the Clerk of the Rolls of Parliament, Clerks of the Chancery, and such like, whose peculiar Offices shall be set in order.

Clerk of the Acts, Is an Officer of the Navy, who receives and enters the Commissions and Warrants of the Lord Admiral, and register the Acts and Orders of the Commissioners of the Navy; and is mention'd in the Statute, 16 Car. 9. 5.

Clerk of the Parliament, Clericus Rotulorum Parliamenti, Is he that recordeth all things done in the High Court of Parliament, and engrosseth them fairly into Parchment Rolls, for their better keeping to Posterity. Of these there be two, one of the Higher, the other of the Lower, or House of Commons, *Crompt. Jurisd. fol. 4. & 8. Smith de Rep. Ang. pag. 38. See also Vowel's Book, touching the Order of Parliament.*

Clerk of the Crown in Chancery, Clericus corone in Cancellaria, Is an Officer there, that by himself, or his Deputy, is continually to attend the Lord Chancellor, or Lord Keeper, for special Masters of State, by Commission, or the like, either immediately from his Majesty, or by order of his Council, as well Ordina-

nary as Extraordinary, viz. Commissions of Lieutenancy, of Justices-Errant, of Assize, of Oyer and Terminer, of Goal-delivery, of the Peace, and such like, with their Writs of Association, and *Dedimus potestatem*, for taking of Oaths. Also all General Pardons upon Grants of them at the King's Coronation, or at a Parliament; the Writs of Parliament, with the Names of Knights and Burgeses, are return'd into his Office. He hath also the Making Special Pardons, and Writs of Execution upon Bonds of *Statute-Staple* forfeited, which was annexed to his Office in the Reign of Queen Mary, in consideration of his continual and chargeable Attendance; both these being before common for every Curator or Clerk of Court to make.

Clerk of the Crown, Clericus Corone, Is a Clerk or Officer in the King's Bench, whose Business is to read, frame and record all Indictments against Traitors, Felons, and other Offenders there arraign'd upon any publick Crime. He is otherwise term'd *Clerk of the Crown-Office*. And Anno 2. H. 4. cap. 10. he is call'd *Clerk of the Crown in the King's Bench*.

Clerk of the Exchequer, Clericus Exchequer, Is a Clerk belonging to the Exchequer, who every Term receiveth the *Estreats* out of the Lord Treasurer's Remembrancers Office, and writeth them out to be Levy'd for the King: He also maketh Schedules of such Sums *Estreated* as are to be discharg'd.

Clerk of Assize, Clericus Assise, Is he that writeth all things judicially done by the Justices of Assize in their Circuits, *Crompt. Jurisd. fol. 227.*

Clerk of the Pell, Clericus Pellis, Is a Clerk belonging to the Exchequer, whose Office is to enter Teller's Bill into a Parchment Roll, call'd *Pellis receptorum*, and also to make another Roll of Payment, which is call'd *Pellis exitum*, wherein he setteth down by what Warrant the Money was pay'd.

Clerk of the Warrants, Clericus Warrantorum, Is an Officer belonging to the Court of Common-Pleas, which entrench all Warrants of Attorney for Plaintiff and Defendant, and enrollerh all Deeds of Indentures of Bargain and Sale, which are acknowledged in Court or before any Judges out of the Court. And he doth *estreat* into the Exchequer all Issues, Fines, and Amerciaments, which grow due to the King any way in that Court, and hath a Standing-fee of ten pound of the King for making the same *Estreats*. See *Engl. Nat. Brev. fol. 76.*

Clerk of the Petty Bag, Clericus Parva Bagie, Is an Officer of the Chancery; of which sort there be three, and the Master of the Rolls their Chief. Their Office is to record the Return of all Inquisitions out of every Shire, all Liveries granted in the Court of Wards, all *Oster les maynes*, to make all Parents of Customers, Gaugers, Countroulers, and Auneggers, all *Conge de esiers* Bishops, all *Liberates* upon Extent of *Statute-Staple*, the Recovery of Recognizances forfeited, and all *Elegits* upon them, the Summons of the Nobility, Clergy and Burgeses to the Parliament: Commissions directed to Knights and others of every Shire, for Selling the Subsidies; Writs for the Nomination of Collectors for the Fifteenths, and all Traverses upon any Office, Bill, or otherwise, and to receive the Money due to the King for the same. This Officer is mention'd, 33 H. 8. cap. 22.

Clerk of the Kings great Wardrobe, Clericus magna Gardobie Regis, Is an Officer of the King's House, that keepeth an Account, or Inventory, in writing of all things belonging to the King's Wardrobe. This Officer is mention'd 1 E. 4. cap. 1.

Clerk of the Marker, Clericus Mercati, Is an Officer of the King's House, Anno 1 E. 4. cap. 1. and 13 R. 2. cap. 4. whose Duty is to take charge of the King's Measures,

Measures, and to keep the Standards of them: that is, the Examples of all the Measures that ought to be through the Land; as of all Ells, Yards, Lagen, Quarts, Pottles, Gallons &c. Of Weights, Bushels, and such like; and to see that all Measures in every place be answerable unto the said Standard; *Fleta, lib. 2. ca. 8, 9, 10, 11, 12.* Of which Office, as also of our diversity of Weights and Measures, you may there find a Treatise worth the reading. *Britton* also in his Thirtieth Chapter, saith in the King's Person to this effect; 'We will that none have Measures in the Realm, but We our selves, but that every man takes his Measures and Weights from our Standards: And so goeth on with a Treatise of this Matter, that well shews the ancient Law and Practice in this point. Touching this Officers Duty, you have also a good Statute, *Ann. 13 R. 3. 2. cap. 4.*

Clerk of the Kings Silver, Clericus Argenti Regis, Is an Officer belonging to the Common-Pleas, to whom every Fine is brought, after it hath been with the *Custos Brevium*, and by whom the effect of the Writ of Covenant is entered into a Paper-Book, and according to that Note, all the Fines of that Term are also recorded in the Rolls of the Court, and his Entry is in this Form: He putteth the Shire over the Margin, and then saith, A. B. *Dat Domini Regi dimidium blance,* (or more according to the value) *pro licentia concordandi C. cum C. D. pro talibus terris in tali villa, & habet Chirographum per pacem admissam, &c.*

Clerk of the Peace, Clericus Pacis, Is an Officer belonging to the Sessions of the Peace: His Duty is in the Sessions to read Indictments, to enroll the Asses, and draw the Process; to record the Proclamations of Rates for Servants Wages, to enroll the Discharge of Apprentices, to keep the Counterpart of the Indenture of Armour, to keep the Register-Book of Licences given to Badgers and Laders of Corn, and of those that are licensed to shoot in Guns, and to certify into the King's Bench Transcripts of Indictments, Outlawries, Attainders, and Convictions had before the Justices of the Peace within the time limited by Statute, *Lamb. Eirenar. lib. 4. cap. 3 fol. 379.*

Clerk of the Errors, Clericus Errorum. This Officer, in the Court of Common-Pleas, does transcribe and certify into the King's Bench the Tenor of the Records of the Cause or Action, upon which the Writ of Error (made by the *Cursitor*) is brought there to be judg'd and determin'd. The *Clerk of the Errors*, in the King's Bench, does likewise transcribe and certify the Records of such Causes in that Court into the Exchequer, if the Cause or Action were by Bill: If by Original, the Lord Chief Justice certifies the Record into the House of Peers in Parliament, by taking the Transcript from the *Clerk of the Errors*, and delivering it to the Lord Keeper, there to be determin'd, according to the Statutes of 27 Eliz. 8. and 31 Eliz. 1. The *Clerk of the Errors* in the Exchequer, does transcribe the Records certify'd thither out of the King's Bench, and prepares them for Judgment in the Court of Exchequer, to be given by the Justices of the Common-Pleas, and Barons there. See 16 Car. 2. cap. 2. and 20 Car. 2. cap. 4.

Clerk of the Patents, or of the Letters Patent under the Great Seal of England, was erected 16 Jac. 1.

Clerk of the Signet, Clericus Signeti, Is an Officer continually attending upon his Majesty's Principal Secretary, who always hath the Custody of the *Privy Signet*, as well for sealing his Majesty's Private Letters, as also such Grants as pass his Majesty's Hand by Bill signed. Of these there be four that attend in their course, and have their Diet at the Secretary's Table; more largely you may read of their Office in the Statute made *Ann. 27 H. 8. cap. 11.*

Clerk of the Privy-Seal, Clericus Privati Sigilli, Is an Officer, (whereof there be four) that attendeth the Lord Keeper of the *Privy-Seal*; or if there be none such, upon the Principal Secretary, writing and making out all things that be sent by Warrant from the Signet to the *Privy-Seal*; and are to be paid to the *Great-Seal*: As also to make out (as they are term'd) *Privy-Seals*, upon any special occasion of his Majesty's Affairs; as for Loan of Money, and such like. Of this Officer and Function, you may read 27 H. 8. 11. He that now is call'd *The Lord Keeper of the Privy-Seal*, seemeth in ancient time, to have been call'd *The Clerk of the Privy-Seal*, and to have been reckon'd in the number of the great Officers of the Realm. Read the Statute of 12 R. 2. 11.

Clerk of the Juries, or Curata Writs, Clericus Juratorum, Is an Officer belonging to the Court of Common-Pleas, which maketh out the Writs call'd *Habeas Corpora, & Disfringas*, for Appearance of the Jury either in Court, or at Assises, after that the Jury or Panel is return'd upon the *Venire facias*. He entrench also into the Rolls the Awarding of these Writs, and maketh all the Continuances from the going out of the *Habeas Corpora* to the Verdict.

Clerk of the Pipe, Clericus Pipe, Belongs to the Exchequer, who having all Accounts and Debts due to the King deliver'd and drawn out of the Remembrancer's Office, chargeth them down into the great Roll; who also writeth Summons to the Sheriff to levy the said Debts, upon the Goods and Chattels of the Debtors. And if they have no Goods, then doth he draw them down to the Lord Treasurer's Remembrancer, to write Escheats against their Lands. The ancient Revenue of the Crown remaineth in charge before him, and he seeth the same answer'd by the Farmers and Sheriffs to the King. He maketh a Charge to all Sheriffs, of their Summons of the *Pipe* and *Green-wax*, and seeth it answer'd upon their Accounts. He hath the drawing and ingrossing of all Leases of the King's Land.

Clerk of the Hamper or Hanager, Clericus Hanagerii, Is an Officer in the Chancery, *Ant. 2 E. 4. ca. 1.* otherwise call'd *Warden of the Hamper* in the same Statute, whose business is to receive all Money due to the King's Majesty, for the Seals of Charters, Patents, Commissions and Writs; as also Fees due to the Officers for enrolling and examining the same. He is ry'd to attendance on the Lord Chancellor, or Lord Keeper, daily in the Term-time, and at all times of Sealing, having with him Leather Bags, in which are put all Charters, &c. after they be sealed by the Lord Chancellor; and those Bags, being sealed up with the Lord Chancellor's Private Seal, are to be delivered to the *Controulor of the Hamper*, who, upon receipt of them, doth as you may read in his Office. This *Hamper* represented a shadow of that which the Romans term'd *Fiscum*, that contain'd the Emperor's Treasure.

Clerk of the Pleas, Clericus Placitorum, Is an Officer in the Exchequer, in whose Office the Officers of the Court, upon special Privilege belonging to them, ought to sue, or be sued, upon any Action.

Clerk of the Treasury, Clericus Thesaurarie, Belongs to the Common-Pleas, and hath the charge of keeping the Records of the Court, and maketh out all the Records of *Nisi prius*, hath the Fees due for all Searches, and hath the certifying of all Records into the King's Bench, when a Writ of Error is brought, and maketh out all Writs of *Superfedeas de non molestando*, which are granted for the Defendants, while the Writ of Error hangeth. Also he maketh all Exemplifications of Records being in the Treasury. He is taken to be the Servant to the Chief Justice, and removeable at his pleasure, whereas all others Officers are for term of Life. There is also a Secondary, or Under-Clerk of the Treasury for Assistance, which hath some allow-

ances. There is likewise an Under Keeper, who always keepeth one Key of the *Treasury Door*, and the chief Clerk of the Secondary another; so that one cannot go in without the other.

Clerk of the Cistopuz, Clericus Effsoniorum, Is an Officer belonging to the Court of *Common-Pleas*, who only keepeth the *Effson-Roll*, and hath for Entering every *Effson* six Pence, and for every *Exception* to bar the *Effson*, in case where the Party hath omitted his time, six Pence. He hath also the providing of Parchment, and cutting it out into Rolls, and making the numbers upon them, and the Delivery out of all the Rolls to every Officer, and the Receiving of them again when they be written, and the Binding and Making up of the whole Bundles of every Term; and this he doth as Servant to the *Chief Justice*, for the *Chief Justice* is at charge for all the Parchment of all the Rolls.

Clerk of the Outlawries, Clericus Utlagiarum, Is an Officer belonging to the Court of *Common-Pleas*, being only the Servant, or Deputy to the King's *Attorney General*, for making out the Writs of *Capias Utlagatum*, after *Outlawry*; and the King's *Attorney's* Name is to every one of those Writs. And whereas seven Pence is pay'd for the Seal of every other Writ betwixt Party and Party, there is but a Penny pay'd for the Seal of this, because it goes out the King's Suit.

Clerk of the Sewers, Clericus Suerarum, Is an Officer belonging to the Commissioners of the Sewers, writing all things that they do by virtue of their Commission; for which, see *Sewers*. And see the Statute of 13 Eliz. cap. 9.

Clerk Controller of the King's House, Whereof there be two, is an Officer in Court, that hath Place and Seat in the *Counting-House*, and Authority to allow or disallow the Charges and Demands of Pursuivants and Messengers of the *Green-Cloth*, Parveyors, or the like. He hath also the Over-sight and Controlling of all Defaults, Defects, and Miscarriages of any of the Inferior Officers, and as before mention'd to sit in the *Counting-House*, with the Superior Officers, viz. the Lord Steward, Treasurer, Controller, and Cofferer, either for correcting or bettering things out of order, with several other Matters. This Officer you have mention'd, 33 Hen. 8. cap. 12.

Clerk of the Nichils or Nihilis, Clericus Nihilorum, Is an Officer in the *Exchequer*, that maketh a Roll of all such Sums as are *Nihil'd* by the Sheriffs upon their *Excheats* of *Green-wax*, and delivereth the same into the Lord Treasurer's Remembrancers-Office, to have Execution done upon it for the King.

Clerk of the Check, Is an Officer in Court so call'd, because he hath the *Check* and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen or Ullers belonging either to the King, Queen, or Prince, either giving Leave, and allowing their Absences or Defects in Attendance, or diminishing their Wages for the same. He also rightly by himself, or Deputy, taketh the view of those that are to watch in the Court, and hath the setting of the Watch. This Officer is mention'd An. 33 H. 8. ca. 12. There is an Officer of the same Name in the King's Navy, spoken of 19 Car. 2. ca. 1.

Clerk Marshal of the Kings House, seems to be an Officer that attends the Marshal in his Court, and recorderh all his Proceedings, 33 H. 8. 12.

Clod-Salt. At *Droitwich*, *Nantwich*, &c. in their Boiling or Walling of Salt, once in 24 Hours, they take out a cake, which sticks to the bottom of the Pan. This they call *Clod-Salt*; which if not taken timely out, would cause the Salt to melt. This *Clod-Salt* is the strongest of all, and is therefore commonly us'd to salt Bacon or Neats-tongues; and the Women of those parts put it into their Runnet Pots, as the best Preservative of good Cheese.

Cloere, A Prison, or Dungeon; I believe of some

British Original, which might give Name to the old *Latin* *Cloeria*, which *Du-fresne* unaptly conjectures to have been a corruption of *Clauferia*, a close place of restraint. The Dungeon, or inner Prison in *Wallingford Castle*, temp. Hen. II. was call'd *Cloere-Brien*, i. e. *Carcer Brieni Fil. Com. Domini de Wallingford*. Hence seems to come the *Lat. Cloaca*, which was originally the closest Ward, the nastiest part of a Prison. The old *Cloacarius*, is interpreted in a MS. Glossary, *Carceris Custos*. The present *Cloacarius*, or Keeper of a Tokes, is an Office in some Religious Houses, impos'd on offending Brother, or voluntarily chosen by him for an exercise of Humility and Mortification; and in some of our English Convents beyond the Seas, this sweet Officer is call'd *Count of Holt*.

Closh, Is an unlawful Game, forbidden by the Statute, made in the seventeenth Year of E. 4. cap. 3. and is inhibited also by the Statute of 33 H. 8. cap. 9. But there it is more properly call'd *Clash*; for it is the throwing of a Bowl at Nine Pins of Wood, or nine Shank-Bones of an Ox or Horse; and it is now ordinarily call'd *Kailes*, or *Nine-Pins*, *Termes de la Ley*.

Clorh of Rag, An. 27 E. 3. Stat. 1. cap. 4.

Clobe, Is the two and thirtieth part of a Weigh of Cheese, that is, eight Pound, 9 H. 6. cap. 8.

Clobes, Caryophylli, are a Spice known by Sight to every Man; they are Flowers of a Tree gathered and hardened by the Sun: Of their nature, you may read in *Gerard's Herbal*, lib. 3. cap. 144. This is compris'd among such Spices as are to be garbled, 1 Jac. 19.

Clough, A Valley, *Doomsday-Book*.

Clunch, Blew Clunch. At *Wadnesbury* in *Staffordshire*, upon sinking a Coal-Pit, near the surface, they meet first with Earth and Stone, then with a substance call'd *Blew Clunch*, and thirdly with Coal.

Cluta, Fr. Clous, Shoes, Clouted-shoes: Most commonly Horse-shoes, and the Strakes of Iron with which Cart-wheels are shod. — In uno pari rotarum emptio ii. fol. ii. denar. in eodem ferro ligando v. fol. iiii. denar. in axibus emptis iv. den. in clutis, & clavis ad idem emptis, iv. den. ob. — Consuetud. domus de Farendon. MS. f. 16. Hence *Clutarium*.

Clutarium, Cluarium, a Forge, or Smithy, or Smith's Shop, where the *Clous*, or Iron-shoes are made, or apply'd. *Tenuit duas carucasas terra de Domino Rege, in capite per tale servitium deferendo palefridum Domini Regis super quatuor pedes de cluario Domini Regis quoscunque ad manerium suum de Maunsfeld venerit. Et si inclaudet (if he lame) palefridum Domini Regis dabit ei palefridum quatuor marcarum.* Mon. Angl. tom. 2. p. 598.

Cnipulus, Knipulus, Knipus, Knivus, A Knife. — Thomas Martyr tam Cancellarium suum quam Notarios cunctos Sacramento constrinxit, quod valens Cnipulum Anglicum propter Literas a Nemine reciperent. *Giral. Cambrenf. apud Wharton Angl. Sacr. P. 2. p. 625.*

Cocca, Coquia, A Cogge or Boat. Vid. *Coggie*. **Coherings,** An Exaction, or Tribute in Ireland. See *Bonaght*.

Cocket, or Tuket, Cockettum, Is a Seal appertaining to the King's Custom-House, *Reg. Orig. fol. 192.* and also a Scroll of Parchment sealed and delivered by the Officers of the Custom-House to Merchants, as a Warrant that their Merchandise be custom'd, 11 H. 6. 16. which Parchment is otherwise call'd *Litera de Cocketto*, or *Litera testimonialis de Cocketto*, *Reg. Orig. fol. 179.* So is the word us'd, 5 & 6 E. 6. cap. 14. and 14 E. 3. Stat. 1. cap. 21. This word is also us'd for distinction of Bread, in the Statutes of *Bread and Ale*, made 51 H. 3. where you have mention made of *Bread-cocket*, *Waffel-bread*, *Bread of Trees*, and *Bread of Common Wheat*.

Cocket-bread, Cocket. — Quando quarterium

rum frumenti venditur pro xii denariis, tunc panes quadrantes de waffello ponderabunt vi libras, & xvi sol. Panis autem de coket, de eodem blado & eodem bullelo ponderabit plus waffello ii sol. & de blado minoris pretii ponderabit plus waffello v sol. Panis de Symnel ponderabit minus waffello ii sol. Panis integer de frumento de quadrante ponderabit coket & dimidium. Panis de Trext ponderabit ii waffello, & panis de omni blado ponderabit ii cokettes. Consuetud. domus de Farendon, MS. f. 42. I believe Coket-bread or Coket, was only hard Sea-bisket; either so call'd, because coketted or mark'd with a peculiar Stamp or Coket; or also because made for the use of the Cock-swains or Sea men. This but my conjecture: For no Author has yet hit upon the Sense of the word, or Derivation of it.

Cokettum, Cokett, Coketum. The Custom-House or Office, where Goods to be transported, were first entred, and pay'd their Custom, and had a Coket or Certificate of Discharge. — *Robandus Trentacost ad custodiam coketti, ad novum Castrum super Tynam per societatem Lucanicam deputatur postquam lana & pelles per preceptum Regis fuerunt arrestatae, & transfectio earum inhibita.* Mem. in Scaccar. 23 Edw. 1. by Sir John Maynard.

Cokettata Lana. Wooll duely entred and coketted, or authoriz'd to be transported. — *Mandatum quod lane non cokettatae, vel non custumatae sub falsificatione capiuntur.* Fin. 16 Ed. 3. m. 37.

Cokerus. A Cock-swain, Coxon, Boat-man, or Sea-man. Vid. Coggle.

Cotula, Cocula, Coculum, A Cogue, or little Drinking-up, in form of a small Boat, us'd especially at Sea; and still retain'd in a Cogue of Brandy.

Codicill, Codicillus, Is a Schedule or Supplement to a Will, or other Writing; it is us'd as an Addition to a Testament, when any thing is omitted, which the Testator would add, explain, alter, or retract; and is of the same nature with a Testament, but that it is without an Executor, Swinburne, pag. 1. sect. 5. And Touchstone of Wills, pag. 21, 22.

Coffee, Mention'd 15 Ear. 2. c. 11. A kind of Drink, originally us'd among the Turks and Persians, and from them brought to us: It is thick, blackish and bitter, made from Berries of that Nature and Name, and now greedily in use as a wholsom Liqueur.

Cofca, A Coffer, Chest, or Trunk. — *Custas Collegii & domus elemosynariae de Pontefracto, & Ministerii ejusdem non sunt dotati quacunque dote temporali seu spirituali, vivente fundatore ejusdem. Sed fuerunt stipendiarii capientes certam summam pecuniae de Cofris dicti Fundatoris.* Munimenta Hospit. SS. Trinit. de Pontefracto, MS. f. 50.

Cofficer of the King's Household, Is a principal Officer of his Majesty's Court, next under the Controller, that in the Counting-House, and elsewhere at other times hath a special Charge and Over-sight of other Officers of the House, for their good Demeanor, and Carriage in their Offices, to all which he pays their Wages. He is made mention of 39 Eliz. cap. 7.

Cofey, Cotrages. See Doomsday-Book, thus interpreted by Mr. Agar.

Cogg, Cogones, A kind of Boats or Vessels us'd in the Rivers Ouse and Humber; they are mention'd 23 H. 8. ca. 18. See Mat. Westm. An. 1066. See Mr. Kames's Gloss. in Cock-Boats.

Coggle. Upon some of the Sea-coasts in Yorkshire, a small Fishing-Boat is call'd a Coggle, i. e. a little Cogge; and in some places by corruption a Cabbie. From the old Teuton. Kogge, a Ship: Whence the Lat. Coggo, Cogga, &c. Anno 1066. *Venit ad hoc in Angliam (Rex Noricorum) trecentis Coggonibus aduictis.* Mat. West. sub ann. Præparatus cogonibus, galleis & aliis navibus onerariis — 600 naues, & 24 coggas bene præparatas.

Mat. Par. sub Ann. 1218. Hence our old Sax. Cockede, a Sea-man; call'd in the Laws of King Hen. 1. cap. 29. Cokeri, and cap. 81. Cokseti. The old Glossary to these Laws, made in the Reign of Edw. III. interprets Cockede by Cocarius, which Du-fresne seems to misunderstand for Cogues, a Cook: whereas Cocarius is indeed a Coker, or Boat-man, from Coca, Coqua, a Boat: As with little Variation, a Coggesuane, a Cock-swain, now a Coggeson, or Coxon, is an Officer in a Ship. Hence the old Lat. Cogcio, Coccio, a wandering and begging Sea-man; which Sir Henry Spelman (who rarely trifles) believes to have been so call'd, from the Greek κοκκία, Lugeo, Ploro. But the true Name and Original was Cogcione, Cogmen, or Boat-men, who after Shipwrack or Losses by Sea, travell'd about to defraud the People, by begging and stealing, till they were restrain'd by many civil and good Laws. — *ut isti Mangones & Cogciones, qui sine omni lege vagabundi vadunt per istam terram, non finiantur vagari, & deceptiones hominibus agere.* Vid. Spelm. in voce, & Du-fresne.

Cognatione. See Cognage.

Cognitor or Conusor, Is he that passeth or acknowledgeth a Fine of Lands, or Tenements to another. *Cognitor* or *Conusor*, is he to whom the Fine is acknowledg'd, *West. Synb. part. 2. tit. Fines, sect. 2. 32 H. 8. 5.*

Cognifance, Id est, *Intelligentia, Cognitionis*, with us is us'd diversly; sometimes signifying a Badge on a Serving-man's Sleeve, whereby he is discern'd to belong to this or that Master. Sometimes an acknowledgment of Fine or Confession of a thing done, as *Cognoscens latro*, *Bract. lib. 3. tract. 2. cap. 3. 20. 32. Cognoscere se ad Villanum*, Id. lib. 4. tract. 3. cap. 16. As also to make *Cognifance* of taking a Distress, sometimes as an Audience, or Hearing of a Matter judicially, as to take *Cognifance*. Sometimes a Power or Jurisdiction, as *Cognifance of Pleas*, is an ability to call a Cause or Plea out of another Court, which no Man can do but the King, except he can shew Charters for it; *Manwood, ca. 3. nu. 2.* See the Terms of the Law, and New Book of Entries, verb. *Cognifance*.

Cognitionibus mittendis, Is a Writ to a Justice, or other that hath Power to take a Fine, who having taken acknowledgment thereof, deferreth to certify it into the Court of Common-Pleas, commanding him to certify it; *Reg. Orig. 68. b.*

Cogmare, Seems to be a sort of coarse Clothes made in the North of England, mention'd in the Stat. 13 R. 2. cap. 10. where there is mention also of *Cogmen*, that is, Buyers of, Makers or Dealers in such Cogware.

Coyf, A Title given to Sergeants at Law, who are call'd *Sergeants of the Coyf*; from the Lawn Coyf they wear on their Heads under their Cap, when they are created, and always after. See *Sergeant*.

Coyne, Cuneus, vel cuna, Seemeth to come from the French *Coiner, Angulus*, a Corner; which probably verifieth the Opinion of such as hold the ancientest sort of Coyne to be cornered, and not round; of this Lawyers Substantive *Cuna*, comes their Verb *Cunare*, to coyn, *Crompt. Just. of Peace, fol. 220.*

Cognage, Besides the general Signification it hath relating to Money, it is us'd for the weighing and stamping of Tinne, after it is cast and wrought; *Cambden, Brit. fol. 186. and 11 H. 7. cap. 4.* Some Authors write it *Cunage*.

Cokettatio. The Coketting or taking Account of Goods to be transported, in order to receive the due Custom, and give the Ticket of Discharge. — *Ordinatio de cokettatione lanarum facta:* Claus. 33. Ed. 3. m. 37.

Coker. See Coket.

Colberri, Colberti, Are Tenants in Free-Socage, *Doomsday-Book*; or such as being Villains were manumitted. See *Colibertus*.

Coriander-seed, or rather *Coriander-seed*, *Semen Coriandri*, Is the Seed of an Herb so call'd, medicinable and wholsome for divers good purposes; which see in Gerard's Herbal, lib. 2. cap. 379. It is numbred among the Drugs that are to be garbled, An. 1. Jac. cap. 19.

Colibertus, *Collibertus*, *Con-libertus*. These *Coliberts* in Civil-Law were only those Freemen, who at the same time had been manumit'd by their Lord or Patron. But the condition of a *Colibert* in English Tenure, was (as Sir Edward Coke asserts) the same with a *Sokeman*, or one who held in Free Soccage; but yet was oblig'd to do customary Services for the Lord. The word occurs in *Dooms-day*; tho' I think no Glossographer has cited it from thence. — *Lib. Domesdai. Somerset.* — *Episcopus Winton. tenet Fantone, ibi quater xx villani, & quater xxiii bordarii, & lxx servi, & xvi Coliberti, & xviii Porcarii.* — So again, *Glocestre-fire*: — *Bridric, filius Algari tenebat Turnebiri T. R. E. ibi xxiii Bordarii, & xv servi, & iv Coliberti, ibi ii molini, &c.* — They were certainly a middle sort of Tenants, between Servile and Free, or such as held their Freedom of Tenure under condition of such Works and Services; And were therefore the same Land-holders, whom we meet under the Name of *Conditionales*.

Collateral, *Collateralis*, Cometh of the Lat. *Lateralis*, that which hangeth by the side: And in the Legal Sense it differs not from the same acception; for Collateral Assurance is that which is made over and beside the Deed it self. For Example, If a Man covenants with another, and enters Bond for the performance of his Covenant, the Bond is term'd *Collateral Assurance*; because it is external, and without the Nature and Essence of the Covenant. And *Crompt. Jur. fol. 185.* saith, That to be subject to the feeding of the King's Deer, is *collateral* to the Soyl within the Forest. In like manner we say, That the liberty to pitch Booths, or Standings for a Fair in another Man's Ground, is *collateral* to the Ground. The private Woods of a common Person within a Forest, may not be cut without the King's Licence; for it is a Prerogative *collateral* to the Soyl, *Manswood Forest Laws, cap. 8. num. 2.*

Collateral Warranty. See *Warranty*.

Collation of Benefice, *Collatio Beneficii*, Signifies properly the Bestowing of a Benefice by the Bishop that hath it in his own Gift or Patronage, and differeth from Institution in this, that Institution into a Benefice, is perform'd by the Bishop, at the Motion or Presentation of another who is Patron of the same, or hath the Patron's Right for the time; yet is *Collation* us'd for Presentation, 25 E. 3. Stat. 6. And there is a Writ in the Register, 31. b. call'd *De Collatione facta uni post mortem alterius, &c.* directed to the Justices of the Common-Pleas, commanding them to direct their Writ to the Bishop, for the admitting a Clerk in the place of another, presented by the King, who dy'd during the Suit between the King and the Bishop's Clerk, for Judgment once pass'd for the King's Clerk, and he dying before he be admitted, the King may give his Presentation to another.

Collatione Heremitagii, Is a Writ whereby the King conferreth the Keeping of an *Hermitage* upon a Clerk, *Reg. Orig. fol. 303, 308.*

Collation of Seals. This was, when upon the same Appending Ribbon, or Thread, or Label, one Seal was set on the back, or reverse of the other. — *Ad majorem securitatem premissorum Sigillum discreti viri Officialis Domini Batho-Well. Episcopi filo medio per modum Collationis, Sigillo meo apponi procuravi.* Cartular. Abbat. Glaston. MS. f. 105. b.

Collatione facta uni post mortem alterius, Is a Writ directed to the Justices of the Common-Pleas, commanding them to direct their Writ to a Bishop,

for the admitting a Clerk in the place of another presented by the King, who, during the Suit between the King and the Bishop's Clerk is departed this Life. For Judgment once pass'd for the King's Clerk, and he dying before Admittance, the King may bestow his Presentation to another. *Reg. of Writs, fol. 31. b.*

Collegiate Church, A Church built and endowed for a Society, or Body Corporate of a Dean, or other President and Secular Priests, as Canons or Prebendaries in the said Church. There were many of these Societies distinguish'd from the Religious, or Regulars before the Reformation. And some are now establish'd, as *Westminster, Windsor, Rippon, Wolverhampton, Southwell, Manchester, &c.*

Collusion, *Collusio*, Is in our Common Law a deceitful Agreement, or Compact between two or more, for the one Party to bring an Action against the other to some evil purpose, as to defraud a third of his Right, &c. See the *Terms of the Law, fol. 142.* and *Bro. tit. Collusion*. See also the Case of *Collusion, Reg. Orig. fol. 179. a. West. 2. cap. 32.* and 8 H. 6. cap. 26. which gives the *Quale Jus*, and inquiry in such Cases: Gifts made by *Collusion*, see 50 E. 3. cap. 6.

Colour, *Colours*, Signifies in a Legal Acception a probable Plea, but in truth false, and hath this end, to draw the Tryal of the Cause from the Jury to the Judges, As for Example, A. brings an Assise of Land against B. and B. saith, He himself did Let the same Land to one C. for term of Life, and afterwards did grant the Reversion to A. the Demandant; and afterwards C. the Tenant for Term of Life died, after whose Decease A. the Demandant claiming the Reversion by force of the Grant (whereas C. the Tenant did never Attorn) entred, upon whom B. Entred, against whom A. for that entry brings this Assise, &c. This is a good *Colour*, because the common People think the Land will pass by the Grant without Attornment, where indeed it will not pass &c. Also in an Action of Trespas, *Colour* must be given, of which there are an infinite number; take this one for a Pattern of the rest. In an Action of Trespas, for taking away the Plaintiffs Beasts, the Defendant saith, That before the Plaintiff had any thing in them, he himself was possess'd of them as of his proper Goods, and deliver'd them to A. to deliver to him again, when, &c. and A. gave them to the Plaintiff, and the Plaintiff supposing the Property to be in A. at the time of the Gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Action, that is, a good *Colour*, and a good Plea. See more hereof, *Dollor and Student, lib. 2. c. 13.* and *Broke, tit. Color, in Assise Trespas, &c. f. 104.*

Color of Office, *Color Officii*, Is always taken in the worst part, and signifies an Act evilly done by the countenance of an Office, and it bears a dissembling face of the Right of an Office, whereas the Office is but a Vail to the Falshood; and the thing is grounded upon Vice, and the Office is as a shadow to it, it is but *Colore Officii*; when as *Virtute Officii*, by Vertue of the Office, is taken always in the best part; and where the Office is the just cause of the thing, and the thing is pursuing the Office, *Plowd. in Dove and Manningham's Case, f. 64. a.*

Collops, *Colaptes*, An Instrument of three Iron Spikes, to contriv'd that when thrown out of hand, one of the Spikes is always erect, inventred to cast in the Road, for galling the Enemies Horse. They were us'd by the Romans, and call'd *Murices*.

Colpart Arbores, To lop, or top Trees. — *Poterant etiam colpare, & habere ramiliam* (i. e. to lop, and to have the lop, or boughs cut off) & omnia genera arborum que in eodem marisco fuerant. *Contin. Hist. Croyland. p. 473.*

Colpartura, *Culpatura*, *Culpatio*, Lopping, or topping of Trees; a trespass within the Forest. — *Qui autem forisfecerit in Foresta Regis de viridi sive per culpaturam, sive*

sive per esurmataram, sive per seditionem curvarum, sive per estivationem morae, sive per culpationem sub nomine, &c. Affisa de forestis temp. Rich. 1. Rog. Hoved. p. 784.

Colpicium. — *Hac charta chirographata testatur quod Dominus Willielmus de Herle dedit* — R. Peny *servienti suo capitale messuagium de B. cum una carucata terre, & pastura ad octo boves infra boscum de W. salvo colpiciis infra boscum pradiatum factis, & in posterum faciendis, donec ad perfectionem pervenerint, quod contra omnimoda animalia defendere possint.* — I suppose by Colpiciis is meant Samplers, or young Poles, which being cut down, make Leavers or Lifters, in Warwickshire call'd Colpices to this day.

Combarones. The Fellow-Barons, or Commonalty of the Cinque Ports: King Henry III. grants to the Barons, or Freemen of the Port of *Pevesham*, — *quicquid tantum de omni Theolonio, & consuetudine* — *sicut ipsi & Antecessores sui, & Combarones sui de Quingue Portibus tam melius & plenius habuerunt tempore Regis Edwardi.* — Placit tempore Ed. 1. & Ed. 2. MS. penes Dom. Mountain. Now the Title of Barons of the Cinque Ports is restrain'd from the common Inhabitants, to distinguish their Representatives in Parliament; the word *Combarones* is now likewise us'd for a Fellow-Member, the Baron and his Combaron.

Comba terre, and *Cumba terre*, does in some of our old Charters occur for a low piece of Ground, from Sax. *Cumbt*, Brit. *Nun* or *Cawm*, Engl. *Combe*, a Valley, or low place between two Hills; which is still so call'd in Devonshire and Cornwall. And many Villages in other parts of England obtain'd their Name of *Comb* from their Situation. So *Compton*, *Combwell*, &c. See Mr. Kennet's Gloss. in *voce Combe*.

Combat, Duellum, Is a French word signifying the same with *certamen, praelium, pugna*, and in our ancient Law was a Formal Tryal of a doubtful Cause or Quarrel, by the Swords or Bistons of two Champions: Of this you may read at large both in divers Civilians, as *Paris de Pacto de re Militari & Duello, Aciat. de Duello, Hostianus disputatio Fudalium*, cap. 42. and others; and common Lawyers, namely *Glanville*, lib. 14. cap. 1. *Bract.* lib. 3. *Tract.* 2. cap. 3. *Britton*, cap. 22. *Horne's Mirrour of Justices*, lib. 3. cap. *Dei Exceptiones in fine proxim.* & *cap. juramentum Duelli*, *Dyer*, fol. 301. num. 41, 42. *Camden* in his *Brit.* fol. 519. mentions a Combat between *Alan de la Zouch*, and *John Earl of Warren*, in the Year 1269. The last Tryal by Combat in England, was in the Sixth Year of King Charles the First, between *Donald Lord Rey Appellant*, and *David Ramsey Esq;* Defendant, both *Scotch-men*; but after many Formalities, the matter was refer'd to the King's Will and Pleasure, *Baker's Chron.* fol. 500. See *Co. on Litt.* fol. 294. b. *Origines Juridicales* fol. 65. and *Spelman's Gloss.* at large, *verbo Campus*.

Combustio Pecuniae. The old way of trying mixt and corrupt Money, by melting it down upon payments into the Exchequer. In the time of King Henry the Second, the Bishop of *Salisbury* being Treasurer, considered, that tho' the Money did answer *Numero & Pendere*, it might be deficient in value, because mix'd with Copper or Brass. Therefore (*consilio Regis, & Regie fiscalis & publicae, providere utilitati*) a Constitution was made, call'd The Tryal by Combustion. The practice of which differ'd of little or nothing from the present Method of Assaying Silver. Vid. *Lowndes's Essay* upon *Coy*, p. 5. Whether this Examination of Money by Combustion was to reduce an Equation of Money only to Sterling, viz. a due Proportion of Alloy with Copper; or to reduce it to fine pure Silver without Alloy, doth not so easily appear. Vid. *Hale of Sheriffs's Accounts*, p. 23.

Comin-Seed, Semen Cumini, Is a Seed brought forth by an Herb so call'd, which you see describ'd in *Gerard's*

Herbal, lib. 2. cap. 416. This is plac'd among the garblesble Drugs, 1 *Jac.* 19.

Comitatu Commissio, Is a Writ, or Commission, whereby the Sheriff is authoris'd to take upon him the command of the County, *Reg. Orig.* fol. 295. *Co. Rep.* lib. 3. fol. 72.

Comitatu & Castro Commissio, Is a Writ whereby the Charge of a County, together with the keeping of a Castle is committed to the Sheriff, *Reg. Orig.* fol. 295. a.

Commandry, Preceptoria, Was a Mannor or chief Messuage, with Lands and Tenements appertaining thereto, belonging to the Priory of *St. John of Jerusalem* in England; and he which had the Government of any such Mannor or House was call'd a *Commander*; who could not dispose of it, but to the use of the Priory, only taking thence his own Sustenance, according to his Degree, who was usually a Brother of the same Priory, *Termes de la Ley, verbo Commandry*. By some other Books it appears, That the chief Prior of *St. John's* was a Commander of a Nunnery, and constituted the Priores of the said Nunnery, who was under his Obedience, and removable at his Will, notwithstanding the had Covent and Common-Seal, and had her Possessions several, and was wont to Lease the Land for term of Years, *Falbeck's Parallels*, fol. 2. a. Of these *Commandries* also you may read *Petrus Gregorius*, lib. de *Beneficiis*, cap. 11. num. 11. These in many places of England are term'd by the Name of *Temples*, because they sometimes belonged to the *Templers*; of whom you may read 26 H. 8. cap. 2. and 32 H. 8. cap. 24. Thus *New-Eagle*, in the County of *Lincoln*, is still call'd *The Commandry of Eagle*, as belonging of old to the said Priory. Such also were *Slebach* in *Pembrokeshire*, and *Shenghay* in *Cambridgeshire*. See *Preceptores*.

Comitatus, Of dead Farms, and Debts desperate, whereof there is no hope, one Roll shall be made and entituled *Comitatus*, and read every Year upon the account of Sheriffs, 10 E. 1. cap. unico.

Combe, In *Doomsday-Book* signifies a Valley, as Mr. *Agar* reports.

Commandement, Preceptum, Is us'd diversly in the Common-Law: Sometimes for the Commandment of the King, when, upon his meer Motion, and from his own Mouth, he sendeth any Man to Prison, *Stamf. pl. cor.* fol. 72. Gr. of the Justices. And this Commandment of the Justices is either *Absolute*, or *Ordinary*. *Absolute*, as when upon their own Authority, in their Wisdom and Discretion, they commit a Man to Prison for a Punishment. *Ordinary*, is when they commit one rather for Safe Custody than Punishment: And a Man committed upon an *Ordinary Commandment* is Bayleable, *Stamf. pl. cor.* 73. Again, *Commandment* is us'd for the Offence of him that willet another Man to transgress the Law, or to do any thing contrary to the Law, as Theft, Murder, or such like, *Bract.* lib. 3. *tract.* 2. cap. 19. *Les Civilians appellant ce Commandment Angulus de maleficiis*, *Termes de la Ley*, 145.

Communicatura. A Commandry, Preceptory, or Portion of House and Lands, for the accommodation of some Religious, especially the *Knights Templars*. — *Dominus Ordinis Divae Marie Virginis (quas vulgo Fratrum Teutonicorum vocant) certa bona temporalia ac redditus empti sunt* — *unde ex bonorum assse Praefectura ejus ordinis aliquot, (quas vulgo Balivias ac a comiteatu ordini parando commeaturas vocant) distincte sunt & terminatae per classes.* — Append ad Fascic. *Rerum*, Vol. 2. p. 323.

Commendam, Is a Benefice, that being void, is commended to the care of some sufficient Clerk, to be supply'd, till it be may be conveniently provided of a Pastor; and that this was the true original of this Practice, may be read at large in *Dutandus de Sacris Eccle-*

ſia Miniſterii & Beneficii, lib. 5. ca. 7. He to whom the Church is commended hath the Fruits and Profits thereof only for a certain time, and the nature of the Church is not chang'd thereby, but is as a thing deposited in the Hands of him to whom it is commended, who hath nothing but the custody thereof, which may be revoked. When a Parſon is made a Biſhop, there is a Ceſſion of his Benefice by the Promotion; but if the King gives him power to retain his Benefice, he ſhall continue Parſon, and is ſaid to hold it in *Commendam*, *Hob. Rep. fol. 144. Latches Rep. 236, 237.* See *Eccleſia commendata in Gloſſ. 10. ſcripſit.*

Commendati Homines. Perſons who by voluntary Homage, put themſelves under the Protection of any Superior Lord. For Ancient Homage was either *Prædial* Due for ſome Tenure; or *Perſonal*, which was either by *Compulſion*, as a ſign of neceſſary Subjection; or *Voluntary*, with a deſire of Protection. And thoſe who by doing Voluntary Homage put themſelves under the Protection of any Men of Power, were ſaid *Commendare ſe in manus ejus*, and were therefore ſometimes call'd *Homines ejus commendati*; and ſometimes ſimply *Commendati*, as often in *Doomſday-Book*. Tho' we have loſt the meaning of the Phraſe, yet we uſe it in this Complement, *Commend me to ſuch a Friend*, which is no leſs than, Let him know I am his humble Servant. *Vid. Spelman of Feud, cap. 20.*

Commendati dimidii. Perſons who depended on two ſeveral Lords, and were to pay one Half of their Homage to *this*, the other to *that*. *Sub commendati* were ſuch, as like Under-Tenants, were under Command of thoſe who were Themſelves depending on a Superior Lord. And again, *Dimidii Subcommendati*, who bare a double Relation to ſuch depending Lords. — *Lib. Domeſdai, Suffol.* — *In parva Thornham duo liberi Homines, unus eorum fuiſſe Commendatus Ulrevo, & alter Dimidius Subcommendatus Anteeſſori Malet.*

Communitaty, or rather *Communitas*, or *Communitas*; Signifies the middle ſort of the King's Subjects, *2 Inſt. fol. 539.* *Tout le Commune d'Engle-terre*, are ſuch of the Commons as rais'd beyond the ordinary Peaſants, come to have the managing of Offices, and by that means are one degree under Burgeſſes, which are ſuperior to them both in Order and Authority, as in Companies incorporated, they are ſaid to conſiſt of Maſter, Wardens, and Commonalty; the firſt two being the chief, the middle ſort ſuch as are uſually call'd *Of the Livery*. See *Communitas Regni*.

Comen, But I ſuppoſe rather *Comen*, or *Common*, In Latin *Communia*, *quod ad omnes pertinet*; Signifieth in our Common-Law, that Soyl or Water whereof the uſe is common to this or that Town or Lordſhip, as *Common of Paſture*, *Communia Paſtura*, *Bract. lib. 4. cap. 19. & 40.* *Common of Fiſhing*, *Communia Piſcaria*, *Id. lib. 2. cap. 34.* *Common of Turbary*, *Communia Turbarie*, that is, Liberty of Digging Turf, *Id. lib. 4. ca. 41.* *Common of Eſſovers*, *Communia Eſſoverium*, *Kitchin, fol. 94.* *Common* is divided into *Common in groſſi*, *Common Appendant*, *Common Appurtenant*, and *Common par cauſe de Vicinage*; that is, by reaſon of Neighbourhood. *Common in groſſi*, is a Liberty to have *Common* alone, that is, without any Land or Tenement, in another Man's Land to Himſelf for Life, or to Him and his Heirs; and it is commonly paſſ'd by Deed of Grant, or Specialty, *Old Nat. Brev. fol. 31. & 37.* *Common Appendant* and *Common Appurtenant*, be in a manner conſounded, as appeareth by *P. N. E. fol. 180.* and are defined to be a Liberty of *Common*, appertaining to, or depending on ſuch or ſuch a Freehold. Only *Kitchin, fol. 94.* ſeemeth to make this Difference, That he which hath *Common Appendant*, hath it without limitation of this or that kind of Beaſts; but that is controlled

by *Dyer, fol. 70. b. num. 19.* He that hath *Common Appendant*, hath it but for Beaſts commonable, as Horſes, Oxen, Kine, and Sheep, being accounted fitteſt for the Ploughman, and not of Goats, Geefe and Hogs. Hereto may be added another Difference, *viz.* That *Common Appurtenant* may be ſevered from the Land whereto it is *Appurtenant*, but not *Common Appendant*, of whoſe Original you may read *Coke, lib. 2. fol. 37.* in theſe words, *Common Appendant* by the ancient Law, had beginning in this manner, When a Lord infeofed another in Arable Lands, to hold of him in Socage, as all Tenure in the beginning, according to *Littleton*, was; The Feoffee, to maintain the Service of his Plough, had common in the Waſts of his Lord, for his neceſſary Beaſts to mature, and compoſt his Land; and that for two cauſes; one, for that as then it was taken, it was (*tacite*) imply'd in the Feoffment, by reaſon the Feoffee could not manage the Land without Cartel, and Cartel could not be ſuſtain'd without Paſture; and ſo by conſequent the Feoffee had, as a thing neceſſary and incident, *Common* in the Waſts and Land of his Lord. And this appeareth by ancient Books, *temp. E. 1. tit. Common 24. & 17 E. 2. tit. Common 23. & 20 E. 3. tit. Admeaſurement 8. & 18 E. 3.* and by the reaſon of the Statute of *Merton, cap. 4.* The ſecond reaſon was, For Maintenance and Advancement of Tillage, which is much regarded and favoured in the Law; thus far *Coke*. *Common par cauſe de vicinage*, is a Liberty that the Tenants of one Lord in one Town, have to *Common* with the Tenants of another Lord in another Lord, which kind of *Common*, they that challenge, may not put their Cattel into the *Common* of the other Town; for then they be diſtrainable; but turning them into their own Fields, if they ſtray into their Neighbours *Common*, they muſt be ſuffered, *Termes de la Ley*. *Common of Paſture*, the Civilians call *jus compaſcendi, cum ſe. plures ex municipibus, qui diverſa prædia poſſidebant, ſalutem communem ut jus compaſcendi haberent mercarentur*: It is call'd *jus compaſcium*.

Commiſſary, *Commiſſarius*, Is a Title of Eccleſiaſtical Jurisdiction, appertaining to ſuch a one as exerciſeth Spiritual Jurisdiction (at leaſt ſo far as his Commiſſion permitteth) in places of the Dioceſs ſo far diſtant from the chief City, as the Chancellor cannot call the Subjects to the Biſhop's principal Conſistory, without their too great moleſtation. This *Commiſſary* is of the Canonists term'd *Commiſſarius*, or *Officialis foraneus*. *Lynwood's Provin. cap. 1. de Accuſat. &c.* And he is ordain'd to this eſpecial End, That he ſupply the Biſhop's Jurisdiction and Office, in the Out places of his Dioceſs, or elſe in ſuch Pariſhes as be peculiar to the Biſhop, and exempted from the Jurisdiction of the Arch-deacon; for where either by Preſcription or Composition, there be Archdeacons that have Jurisdiction within their Arch-deaconries, as in moſt places they there have, this *Commiſſary* is ſuperfluous, and moſt commonly doth rather vex and diſturb the Country for his Lucre, than of Conſcience ſeek to redreſs the Lives of Offenders. And therefore the Biſhop taking Proteſtation-Mony of his Arch-deacons yearly *pro exteriori Jurisdictione*, as it is ordinarily call'd, doth by ſuperoneating their Circuit with a *Commiſſary*, not only wrong the Arch-deacons, but the poorer ſort of Subjects much more, as common practice too frequently teacheth.

Commiſſion, *Commiſſio*, Is for the moſt part in the underſtanding of the Law, as much as *Delegation* with the Civilians. See *Broke, tit. Commiſſion*, and is taken for the Warrant, or Letters Patent, that all Men exerciſing Jurisdiction either ordinary or extraordinary, have for their Power to hear, or determine any Cauſe or Action. Of theſe, ſee divers in the Table of the *Register Original*, verbo *Commiſſio*; yet this word ſometimes is extended

tended further than to matters of Judgment; as the *Commission of Purveyors*, 11 H. 4. cap. 28. But with this Epithite (*High*) is us'd for the Honourable *Commission-Court*, instituted and founded upon the Statute 1 Eliz. cap. 1. but for divers reasons utterly abolished and taken away by the Statute made 16, 17 Car. 1. cap. 10.

Commission of Association, Mention'd 18 Eliz. cap. 9. Is a Commission under the Great Seal, to associate two or more Learned Persons, with the several Justices in the several Circuits and Counties in Wales.

Commission of Anticipation, Was a Commission under the Great Seal, to collect a Subsidy before the day, Anno 5 H. 8. Co. 12 Rep. fol. 120.

Commission of Rebellion, *Commissio Rebellionis*, Is otherwise call'd *A Writ of Rebellion*, *Breve Rebellionis*, and is sent forth, when a Man, after Proclamation made by the Sheriff, upon an Order of the Chancery, under great Penalty, to present himself to the Court by a certain Day. And this Commission is directed by the way of Command to certain Persons, to the end, that they, three, two, or one of them do apprehend, or cause to be apprehended the Party as a Rebel and Contemner of the King's Laws, whosoever they find him within the Kingdom, and bring him, or cause him to be brought to the Court, upon a Day therein assign'd. The true Copy of this Commission or Writ, you have in *Crompt. Jurisd. Court de Star-Chamber*, as also in *West. touching Proceedings in Chancery*, sect. 24.

Commissioner, *Commissionarius*, Is he that hath Commission, as Letters Patents, or other lawful Warrant, to execute any Publick Office, as *Commissioners of the Office of Fines*, and *Licences*; *West. Part. 2. Symbol. tit. Fines*, sect. 106. *Commissioners in Eyre*, Anno 3 E. 1. cap. 26. *Commissioners of Sewers*, 23 H. 8. 5. 12 Car. 2. cap. 6. with infinite other such like.

Committee, Is he or they to whom the Consideration, or Ordering of any matter is referred, either by some Court, or consent of Parties to whom it belongeth. As in Parliament, a Bill being read, is either consented unto, and passed, or deny'd; or neither of both, but referred to the consideration of some discreet Men appointed by the House farther to examine it, who thereupon are call'd *Committees*: *Committee of the King*, *West. Part. 2. Symbol. tit. Chancery*, sect. 144. This word seemeth to be something strangely us'd in *Kirchm.* fol. 160. where the Widow of the King's Tenant being dead, is call'd *The Committee of the King*; that is, one committed by the ancient Law of the Land to the King's Care and Protection.

Common Bench, *Bancus Communis*, Is sometimes us'd for the Court of *Common-Pleas*, Anno 2 E. 3. ca. 11. so call'd, as Mr. Camden saith in his *Britannia*, pag. 113. *Quia communia placita inter subditos ex jure nostro, quod commune vocant, in hoc disceptantur*; that is, the Pleas or Controversies, try'd between common Persons. See more in *Common-Pleas*.

Common Fine, *Finis Communis*: Of this *Fleta*, lib. 1. cap. 48. sect. quibus, hath these words, *Quibus expeditis* (speaking of the business finished by Justices in Eyre) *consequeruntur Justiciarii imponere visitatione, juratoribus hundredis & totis comitatibus conclamentum & omnes separatim amerciare, quod videtur voluntarium, cum de perjurio & conclamento non fuerint convicti, sed potius dispensandum esset cum eis quod animas in statu poverint pro pacis conservatione*. And a little following he saith, *Quod communes misericordie, vel fines comitatuum amerciatorum in finibus itinerum Justiciariorum, &c.* which words of his have relation to the Statute, *Westm.* 1. cap. 18. which read, It is call'd in some places *Head-silver*, in others *Certum Lene*, and was as it seems, first granted to the Lord, towards the charge of his Purchase of the Leet, whereby the Restants had now an

ease to do their Suit Roaly within the Mannor, and not be compell'd to go to the Sheriffs Tourn to do it. And for this *Common Fine* the Lord must prescribe, and cannot distrain for it without a Prescription; as appears in *Godfrey's Case*, in 11 Rep. fol. 44. b. The Clerk of the Market shall take no *Common Fine*, 13 R. 2. ca. 4.

Commoigne, A Brother Monk, residing in the same Covent, 3 par. Inst. fol. 15.

Common Pleas, *Communia Placita*, Is the King's Court now held in *Westminster-Hall*, but in ancient time moveable; as appears by *Magna Charta*, cap. 11. and also 2 E. 3. ca. 11. & *Pupilla oculi*, Part 5. ca. 22. But Mr. Gwin in the Preface to his *Reading saith*, That until the time that Henry the Third granted the Great Charter, there were but two Courts in all, call'd *The King's Courts*; whereof one was the *Exchequer*, the other the *King's Bench*, which was then call'd *Curia Domini Regis*, and *Aula Regia*, because it follow'd the King and Court: and that upon the Grant of that Charter, the Court of *Common Pleas* was erected, and settled in one certain place, viz. *Westminster*. And because this Court was settled at *Westminster*, therefore after that, all Writs ran, *Quod sit coram Justiciariis nostris apud Westmonasterium*; whereas before it was, *Coram me vel Justiciariis meis*, simply without addition of place, as he well observeth out of *Glanville* and *Bracton*: The one writing in Henry the Second's Time, before the Court was erected; the other in the later time of Henry the Third, who erected this Court. All Civil Causes, both Real and Personal, are or were in former times try'd in this Court according to the strict Law of the Realm. And by *Fortescue*, cap. 50. it seemeth to have been the only Court for Real Causes: The chief Judge of that Court is call'd *The Lord Chief Justice of the Common Pleas*, assisted with three or four Associates, which are created by Letters Patents from the King, and, as it were, enstalled or placed upon the Bench by the Lord Chancellor and Lord Chief Justice of the Court; as appeareth by *Fortescue*, cap. 51. who expresses all the Circumstances of this Admission. The rest of the Officers belonging to this Court, are, *The Custos Breviarum*, three Protonotaries, Chirographer, fourteen Filicers, four Exigenters, Clerk of the Warrants, Clerk of the Juries, or *Jurata Writs*, Clerk of the King's Silver, Clerk of the Treasury, Clerk of the Essoins, Clerk of the Outlawries; whose distinct Functions, look in their proper places. See *Common Bench*.

Common day in Plea of Land, Anno 13 R. 2. Stat. 1. ca. 17. signifies an ordinary Day in Court, as *Ostabis Michaelis*, *Quinquagesima Pasche*, &c. as you may see in the Statute made Anno 51 Hen. 3. concerning General Days in the Bench.

Common Intendment, Is common meaning; so Bar to common Intendment, is an ordinary or general Bar, which commonly disables the Plaintiffs Declaration. Of *Common Intendment*, a Will shall not be suppos'd to be made by Collusion, Co. on Lit. fol. 78. b. See *Intendment*.

Commons House of Parliament, Is the *Lower-House*, so call'd, because the *Commons* of the Realm, that is, the Knights of Shires, Citizens, and Burgesses sit there, *Crompt. Jur. 9.*

Common Law, *Lex Communis*, Hath three Significations: First, for the Laws of this Land simply, without any other Law, as Customary, Civil, Spiritual, or whatsoever other Law joyn'd to it; as when it is disputed in our Laws of England, what ought of right to be determin'd by the *Common Law*, and what by the *Spiritual Law*, or *Admiral's Court*, or otherwise. Secondly, It is taken for the King's Courts, as the *King's Bench*, or *Common Pleas*; only to shew a difference between them and base Courts, as Customary-Courts, Courts-Baron, County-Courts, Pipowders, and such like; as when

when a Plea of Land is removed out of ancient *Demefne*, becaufe the Land is Frank-fee, and pleadable at the *Common-Plea*; that is to fay, in the King's Court, and not in ancient *Demefne*, or in any other bafe Court. Thirdly, and moft ufuall, By *Common-Pleas* is understood fuch Laws, as were generally taken and holden for Law, before any Statute was made to alter the fame. As for Example, Tenant for Life, or for Years were not punifhable for Wafte at the *Common-Law*, till the Statute of *Glocefter*, cap. 5. which gives an Action of Wafte againft them. But Tenant by the Courtiefie, and Tenant in Dower, were punifhable for Wafte at the *Common-Law*, that is, by the ufual and common receiv'd Laws of the Realm, before the faid Statute was made.

Commonoth. See *Comarib.*

Comototes, Signifies in *Wales* a part of a Shire, as a Cantred or Hundred, 28 H. 8. ca. 3. See *Stat. Wallie*, 12 E. 1. and 21 H. 8. ca. 26. It denotes a great Lordship, and may include one or divers Mannors, Co. on *Lit.* fol. 5.

Communance. The Commoners, or Tenants and Inhabitants, who had the right of *Common*, or *Commoning* in open Fields, or Woods, were formerly call'd the *Communance* and *Communance*. *Communa* or *Communia Pafura*, the Common Pasture: And *Communare*, to enjoy the right of *Common*.

Commune. See *Comminality*.

Commune Concilium Regni Angliæ. The Common Council of the King and People, affembled in Parliament. See *Parliament*.

Communitas Regni. *Tota terra communitas Regni totius communitas.* Thefe Phrafes have been of late Years thought to fignifie the ordinary People, and Free-holders; or at beft Knights and Gentlemen, under the Degree of *Barons*, as if they were the *Community* of the Land, and had been always fo esteem'd. But anciently the *Barons* only, and Tenants *in capite*, or Military Men, were the Community of the Kingdom, and thofe only meant, taken and reputed as fuch in our moft ancient Hiftorians and Records. See Dr. Brady's Glosfary, at the end of his Introduft. to Engl. Hift.

Communi Custodia. Was a Writ that lay for that Lord, whole Tenant holding by Knight-Service, dies, and leaves his Eldefst Son under Age, againft a Stranger that entrench the Land, and obtaineth the Ward of the Body. See *Old Nat. Brev.* fol. 89. and *Reg. Orig.* fol. 161. a. But this is now become of no ufe fince the Stat. 12 Car. 2. cap. 24. hath taken Wardfhips with the Dependances.

Communia Placita non tenenda in Scaccario. Is a Writ directed to the *Treafurer* and *Barons* of the *Exchequer*, forbidding them to hold Plea between two common Perfons in that Court, where neither of them belong to it, *Reg. Orig.* fol. 187. b.

Communitation. *Communicatio.* A Talking or Confering with, where there is only a Difcourfe between twor or more, without any perfect Agreement; this may be call'd a Communication, being fuch as no Action can be grounded upon. See *Nudum Paffum*.

Comoth. *Comoriba.* It fignifies a Contribution, 4 H. 4. cap. 27. and 26 H. 8. cap. 6. prohibits the levying any fuch in *Wales*, or the *Marches*, &c. It feems this was a Collection made at Marriages, and when young Priests faid or fung their First Maffes, and fometimes for Redemption of Murders and Felonies.

Companage. *Companagium.* Any meat, or other Edibles to be eat with Bread. Some wrote *Companagium*. — *In pane, vino, & cervisia, pifee, five alio quocunque genere companagii, five leguminis.* Cartul. Abbat. Glaston. MS. f. 74.

Companion of the Garter. Is one of the Knights of that moft Honourable Order, 24 H. 8. cap. 15. See *Garter*.

Comperatorium. A Judicial Inqueft in the Civil-Law, made by Delegates, or Commissioners to find out, or relate the truth of a Cafe. — *Et in carnibus porcinis captis pro Clericis Domini Archiepifcopi super comperatorium apud Burceftre.* — *Paroch. Antiq.* p. 575.

Compoftio menfurarum. Is the Title of an ancient Ordinance for Meafures, not Printed, and mentioned in the Statute of 23 H. 8. cap. 4.

Compoftum. *Compoft*, or *Dung*, *Compoftare*, to lay on fuch *Compoft*. — *Walterus Archiepifcopus Cantuar. remiffe H. Priori & Conventui Ecclefie Cantuar. manerium fuum de Caldecote.* — & *predicci Prior & Conventus* — *terras predicii manerii faldabunt & compoftabunt de exitu beftiarum ibidem.* *Dat.* 15. Jul. 1326. *Registr. Ecclefie Chrifti Cantuar. MS.*

Compromiffe. *Compromiffum.* We ufually fay *Compromiffe*, is a mutual Promife of two or more Parties at Difference, to refer the ending of their Controversies to the Arbitrement and Equity of one or more Arbitrators, *West. par. 2. Synb. vir.* *Compromiffe, fecit.* 1. defines it thus, A Compromise or Submiffion, is the Faculty or Power of pronouncing Sentence between Parties at Controverfie, given to Arbitrators by the Parties mutual private confent, without publick Authority.

Computation. Is us'd in the *Common-Law* for the true and indifferent conftruction of Time, fo that neither the one Parry nor the other fhall do wrong, nor the Determination of Times referred at large, be taken one way or other, but computed according to the juft cenfure of the Law. As if Indentures of Demife are ingroffed, bearing date the eleventh Day of May, 1669. *To Have and to Hold* the Land in S. for three Years from henceforth, and the Indentures are deliver'd the fourth Day of June, in the Year aforefaid: In this cafe, *From henceforth* fhall be accounted from the Day of the delivery of the Indentures, and not by any *Computation* from the Date: And if the faid Indenture be delivered at four of the clock in the Afternoon of the faid fourth Day, this Leafe fhall end the third Day of June, in the third Year; for the Law in this *Computation* rejects all Fractions, or Divifions of the Day, for the incertainty, which always is the Mother of Contention; fo where the Statute of Inrolments made Anno 27 Hen. 8. ca. 16. is, That the Writings fhall be inrolled within fix Months after the Date of the fame Writings indented; if fuch Writings have Date, the fix Months fhall be accounted from the Date, and not from the Delivery; but if it want Date, then fhall it be accounted from the Delivery: *Co. lib. 5. fol. 1.* If any Deed be fhewed to a Court at *Westminfter*, the Deed, by Judgment of the Law, fhall remain in Court all the Term in which it is fhewed, for all the Term in Law is but as one Day, *Co. lib. 5. fol. 74.* If a Church be void, and the true Patron doth not prefent within fix Months, then the Bifhop of the Diocefs may collate his Chaplain; but thefe fix Months fhall not be compared according to the 28 Days to the Month, but according to the Calendar: and there is great Diversity in our common Speech in the Singular Number, as a *Twelve-Month*, which includes all the Year, according to the Calendar; and *Twelve Months*, which fhall be computed according to 28 Days to every Month, *Co. lib. 5. fol. 61. b.*

Computo. Is a Writ fo call'd of the Effect, becaufe it compelleth a Bayliff, Receiver, or Chamberlain, to yield his Account, *Old Nat. Brev.* fol. 58. It is founded upon the Statute of *West. 2. cap. 2.* Anno 13 E. 1. which, for your better understanding, you may read. And it lieth alfo for Executors of Executors, 15 E. 3. *Stat. de Provif. Viſtial.* cap. 5. Thirdly, Againft the Guardian in Socage, for Wafte made in the Minority of the Heir, *Marlb. cap. 17.* And fee farther, where, how, and for what it lies, *Reg. Orig.* fol. 135. *Old Nat. brev. ubi ſupra*, & *F. N. B. fol. 116.*

Comprint, Properly signifies to Print together; but as it is us'd in common Speech among Dealers in Books, it intends a surreptitious Printing of another's Copy, to make a gain thereby to himself. This is contrary to the Statute made 14 Car. 2. ca. 33. 16 Car. 2. ca. 6. & 16 & 17 Car. 2. ca. 9. and 17 Car. 2. ca. 4. *apud Oxon.*

Conabel, French *Convenable*, (that is, convenient;) the word is of little use in these Days; but you may read it in *Artic. Decani & Capit. S. Pauli, Primar. S. Helena, Dat. 21. Jun. 1439.* We Ordain, That there be made a Hache or Conabel heythe, &c. that no strange Peeville may enter, &c. as you and them think honest and Conabel.

Concealers, Be such as find out concealed Lands, Lands; that is, such Lands as are privily kept from the King by common Persons, having nothing to shew for them, *Anno 39 Eliz. ca. 22.* They be so call'd *à concealer* as *munis à movendo*, by an Antiphrasis. They are call'd *à troubleson* *disturbant fort of blen, turbuelnt* Persons, 3 Par. Inst. fol. 188.

Concessi, A word of frequent use in Conveyances, creating a Covenant in Law; as *Dedi* makes a Warranty, *Co. on Lis. fol. 384.*

Concionator, A Common-Council-Man, a *Mag. worthy*, a Free-man call'd to the Hall or Assembly. *Quadam tempore cum concensissent* Concionatores Angliæ *apud Londoniam, &c.* *Hist. Elien. Edit. Gale, cap. 46.*

Conclusion, *Conclusio*, Is when a Man by his own act upon Record, hath charg'd himself with a Duty, or other thing. As if a Freeman confess himself to be the Villain of A. upon Record, and afterward A. takes his Goods, he shall be concluded to say in any Action or Plea afterwards, that he is free, by reason of his own confession. So if the Sheriff upon a *Capias* to him directed, returns that he hath taken the Body, and yet hath not the Body in Court at the Day of the Return; he shall be answer'd, and if it were upon a *Capias ad Sat.* the Plaintiff may have his Action against the Sheriff for the Escape; for by such Returns the Sheriff hath concluded himself. And this word *Conclusion* is taken in another sense, as for the end or later part of any Declaration, Bar, Replication, &c. As where to the Bar there ought to be a Replication, the *Conclusion* of his Plea shall be, *Et hoc paratus est verificare.* If in Dower, the Tenant pleads, That he was never seised to render Dower, the *Conclusion* shall be, *La de hoc petit se super Patriam.* And in what manner the *Conclusion* shall be, according to the nature of several Actions, See *Kitchin, fol. 219, 220.*

Concord, *Concordia*, Is in the Common-Law, by a peculiar Signification, defined to be the very Agreement between Parties, that intend the levying of a Fine of Lands one to the other, how, and in what manner the Land shall pass: In the Form whereof, many things are to be considered, *West. part. 2. Symb. tit. Fines and Concords, sect. 30.* whom read at large. *Concord* is also an Agreement made upon any Trespas committed between two or more, and is divided into a *Concord Executory*, and *Concord Executed.* See *Plowd. fol. 3 & 6. Reniger and Fogassa's Case*, where it appeareth by some Opinion, That the one bindeth not, as being imperfect; the other absolute, and ties the Parties: And yet by some other Opinion in the same Case, it is affirm'd, That Agreements Executory be perfect, and no less bind than Agreements Executed, *fol. 8. b.*

Contubularia, A Fold, a Pen, or place where Cattle lie together. — *Willelmus de Putot conceit Hospitali de Thelesford unam dimidiam virgatam terre in Effora — quibus & integre in viis, semitis, terris, pratis, concubariis & pasturis, cum omnibus assumentis.* — *Cartular. de Thelesford. MS.*

Concubinage, *Concubinatus*. In common Acceptation signifies the keeping of a Whore, or Concubine, but in

a Legal, is an Exception against her that sueth for her Dower; whereby it is alledg'd that she was not a Wife lawfully married to the Party, in whose Lands she seeketh to be endow'd, but his Concubine, *Briston, c. 107. Bract. lib. 4. tract. 6. cap. 8.*

Conders, May seem to proceed from the French *Conduire*, i. e. *Gubernare*; they be such as stand upon High-places near the Sea-coasts, at the time of Herring-fishing, to make signs with Boughs, &c. in their Hands unto the Fishers, which way the Shole of Herrings passeth; for that doth appear better to such as stand upon some high Cliff on the Shore, by a kind of blue colour that the said Fish causeth in the Water, than to those that be in the Ships. These be otherwise call'd *Hewers*, (probably from the French *Huyer*, *exclamare*) and *Balkers*, *Directors* and *Guiders*, as appeareth by the Statute *Anno 1 Jacobi, cap. 23.*

Condition, *Conditio*, Is a Restraint or Bridle annex'd to a thing, so that by the not performance, the Party to it shall receive prejudice and loss, and by the performance, commodity and advantage, *West. part. 1. Symb. lib. 2. sect. 156. and Co. lib. 3. Pennant's Case, fol. 64.* Of these Conditions there are divers kinds, *Condition collateral*, *Condition in fact*, *Condition in Law*, *Condition exprest*, and *Condition imply'd*, &c. *Condition collateral*, is that which is annex'd to any collateral Act, as that the Lessee shall not go to Canterbury, *Co. lib. 3. fol. 65.* *Condition in fact*, is that which is exprest in plain words in any Feoffment, Lease or Grant: *Condition in Law* is imply'd, tho' not at all exprest in the Grant. Also *Conditions* are either precedent, and going before the Estate, and are executed, or else subsequent and executory. *Condition precedent*, doth get and gain the thing or Estate made upon Condition, by the performance of it. *Condition subsequent*, keeps and continues the thing or Estate made upon Condition, by the performance of it. *Condition precedent* is, when a Lease is made for Life to one upon Condition, That if the Lessee will pay to the Lessor 20 li. at such a Day, then he shall have Fee-simple: Here the Condition precedes the Estate in Fee-simple, and upon performance of the Condition, gains the Fee-simple. *Condition subsequent* is, when one grants to J. S. his Manner of Dale in Fee-simple, upon Condition, That the Grantee shall pay to him at such a Day 20 li. or else that his Estate shall cease; here the Condition is subsequent, and following the Estate in Fee, and upon the performance thereof continues the Estate. See more of this in *Co. lib. 3. fol. 64.* and in *Lit. lib. 3. ca. 5. and Perkins in the last Title Of Conditions.*

Cone and Key, *Bract. lib. 2. cap. 37. num. 3.* A Woman at the Age of fourteen or fifteen Years, may take the charge of her House, and receive *Cone and Key*; that is, *computum & clavem.* *Cone* or *culne* in the Sax. signifying *computum*, and *Key*, *clavis*, wherewith there is something agreeable, *Glanville, lib. 7. cap. 9.*

Confederacy, Is when two or more confederate themselves to do any hurt or damage to another, or to do any unlawful thing. And tho' a Writ of Conspiracy doth not lye, if the Party be not indicted, and in lawful manner acquitted, for so are the words of the Writ; yet false confederacy between divers Persons shall be punished, tho' nothing be put in *ure*; and this appears by the Book of 27 *Assise, placit. 44.* where there is a Note, That two were indicted of *Confederacy*, each of them to maintain other, whether their matter were true or false; and tho' nothing was suppos'd to be put in *ure*, the Parties were put to answer, because this thing is forbidden by the Law. So in the next Article in the same Book, Enquiry shall be made of *Conspirators* and *Confederators* which bind themselves together, &c. falsely to indite or acquit, &c. the manner of their binding, and between whom; which proves also, That *Confederacy* to indite or acquit, tho' nothing be done, is punishable

nishable by the Law. And it is to be observ'd, That this *Confederacy* punishable by Law, before it is executed, ought to have four Incidents. First, To be declared by some manner of Prosecution, as by making of Bonds or Promises the one to the other. Secondly, To be Malicious, as for unjust Revenge. Thirdly, To be false against an Innocent. And lastly, To be out of Court, and voluntary, *Termes of the Law*, fol. 162, 163.

Confession of Offence, Is, when a Prisoner is Appealed or Indicted of Treason or Felony, and brought to the Bar to be Arraigned, and his Indictment is read unto him: And the Court demands what he can say thereto, then either he confesses the Offence, and the Indictment to be true, or estranging him from the Offence, pleads *Not-Guilty*, or else gives an indirect Answer, and so in effect stands mute. *Confession* may be made in two sorts, and to two several Ends. The one is, He may confess the Offence whereof he is indicted openly in the Court, before the Judge, and submit himself to the Censure and Judgment of the Law, which *Confession* is the most certain Answer, and best Satisfaction that may be given to the Judge to condemn the Offendor; so that it proceeds freely of his own accord, without any threats, force, or extremity us'd: [For if the *Confession* arise from any of these Causes, it ought not to be recorded. As if a Woman was indicted for the felonious taking of Bread, to the value of two Shillings, and being thereof arraigned, she confesseth the Felony, and said, That she did it by the commandment of her Husband; and the Judges, in pity, would not record her *Confession*, but caus'd her to plead *Not-guilty* to the Felony; whereupon the Jury found, That she stole the Bread by compulsion of her Husband, against her Will, for which cause she was discharg'd, 27 *Affis. pl. 50*. The other kind of *Confession* is, when the Prisoner confesses the Indictment to be true, and that he hath committed the Offence whereof he is indicted, and then becomes an Approver, that is, an Accuser of others, who have committed the same Offence whereof he is indicted, or other Offences with him; and then prays the Judge to have a Coroner assigned him, to whom he may make relation of those Offences, and the full circumstances thereof. There is also a third kind of *Confession* made by an Offendor in Felony, which is not in Court before the Judge, as the other two are; but before a Coroner in a Church, or other Priviledged place, upon which the Offendor, by the ancient Law of the Realm, was to abjure.

Confessor, Confessarius, à Confessionibus. The Priest, who received the Auricular Confession, had the Title of *Confessor*. Tho' improperly; for he is rather the *Confessee*, being the Person passive, to whom the confession is made, or at least the *Confessary*, who receives the Confession, or the *Confessionar*. This receiving the Confession of a Penitent, was in the old Engl. to *shrove*, or to *shrive*, Sax. *Scrifan*; whence the Party confessed was *Bescrifen*; whence our Engl. *Beshriev'd*, or looking like a confess'd or *shriev'd* Person, impos'd some uneasy Penance: Hence to *beshrew*, is to imprecate, or denounce the curse of Sin as Confession. The act of Confession was call'd *Scrifed*, whence possibly to *shift* or shuffle in Discourse, like People who are ashamed or afraid to tell all their Faults. The most solemn time of confessing was the Day before *Lent*, which from thence is still call'd *Shrove-Tuesday*.

Confirmation, Confirmatio, Cometh of the Verb *Confirmare*, quod est firmum facere; and therefore it is said, That *Confirmatio omnes supplet defectus, licet id quod actum est, ab initio non valuit*, Co. on *Lit. lib. 3. cap. 9. sect. 15*. It is a Conveyance of an Estate or Right in esse, whereby a voidable Estate is made sure and unavoidable, or whereby a particular Estate is increas'd. Nay, it is a strengthening of an Estate formerly, and

yet voidable, tho' not presently void. For Example, A Bishop granteth his Chancellorship by Patent, for the term of the Patentee's Life; this is no void Grant, but voidable by the Bishop's Death, except it be strengthened by the Confirmation of the Dean and Chapter. *Qualibet Confirmatio aut est perficiens, crescens aut diminuens*. 1. *Perficiens*, As if Feoffee upon a Condition make a Feoffment, and the Feoffor confirm the Estate of the second Feoffee: So if Disseisee confirm the Estate of the Disseisor, or his Feoffee. 2. *Crescens*, Doth always enlarge the Estate of a Tenant; as Tenant at will, to hold for Years; or Tenant for Years, to hold for Life. 3. *Diminuens*, As when the Lord of whom the Land is holden, confirms the Estate of his Tenant, to hold by a less Rent. See more of this, *West. Symb. part. 1. lib. 2. sect. 2. 500. F. N. B. fol. 169. 226. 271. and Lit. lib. 3. ca. 9. Co. 9. Rep. Beaumont's Case*.

Confiscate, Confiscatus, May be derived either from the Lat. *Confiscare*, or the French *Confisquer*; that is, in publicum addicere: all these words are drawn from *Fiscus*, which (as *Minsheu* saith) originally signifieth a Hamper or Basket, but Metonymically the Emperor's Treasure; because it was anciently kept in such Hampers. And tho' our King doth not put his Treasure in such things, yet as the Romans have said, That such Goods as are forfeited to the Emperor, were *Bona confiscata*, in like manner do we say of such Goods as are forfeited to the King's Exchequer. And the Title to have these Goods is given to the King by such Law, when they are not claimed by some other. As if a Man be indicted, That he feloniously stole the Goods of another Man, when, in truth, they are the proper Goods of him indicted; and they are brought in Court against him as the manner is, and he then asked, what he says to the said Goods, to which he disclaims; by this *Disclaim* he shall lose the Goods, altho' that afterwards he be acquitted of the Felony, and the King shall have them as confiscated: But otherwise it is, if he do not disclaim them. The same Law is, where Goods are found in the Felon's possession, which he disavows; and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows are confiscate to the King; but had he been attainted of the same Goods, they should have been said to be *forfeited*, and not *confiscate*, notwithstanding his Disavowment. So if an Appeal of Robbery be brought, and the Plaintiff leaves out some of his Goods, he shall not be received to enlarge his Appeal: And for as much as there is none to have the Goods so left out, the King shall have them as *confiscate*, according to the old Rule, *Quod non capit Christus, capit Fiscus*. And as in the Case aforesaid, the Law punishes the Owner for his Negligence, and Connivency; so also the Law abhors Malice in seeking the Life of any, without just cause. And therefore if A. hath the Goods of B. by delivery or finding, and B. brings an Appeal against A. for taking them feloniously, and it is found, That they were the Plaintiff's Goods, and that the Defendant came lawfully by them: In this Case the Goods are not *confiscate* to the King, because of the false and malicious Appeal. See more in *Stamf. pl. cor. l. 3. ca. 24. 3. Inst. fol. 227*.

Confratry, Confraternitas, A Fraternity or Brotherhood, as the *Confrairie de St. George*, or *Les Chevaliers de la blue Garter*, the Honourable Society of the Knights of the Garter.

Confreres, Confratres, Brethren in a Religious House, Fellows of one Society, 32 H. 8. cap. 24.

Congeable, Cometh of the French *Congé*, that is, *Venia*; and signifies in our Common-Law as much as Lawful, or Lawfully done, or done with Leave; as the Entry of the Disseisee is *congeable*, and so Littleton uses it in his 410 Section, and Cro. 2. par. fol. 31.

Conge d'Accorder, Signifies Leave to Accord, or Agree; it is mention'd in the Statute of *Fines*, 18 E. 3. In

in these words, *When the Original Writ is delivered in presence of the Parties before the Justices, a Pleader shall say this, Sir Justice, congé d'Accorder; And the Justice shall say to him, What saith Sir R. and shall name one of the Parties, &c.*

Congé d'Esire, *Venia Eligendi*, Is very French, and signifieth in our Common-Law the King's Permission Royal to a Dean and Chapter, in time of Vacation, to chuse a Bishop; or to an Abby or Priory of his own Foundation, to chuse the Abbot or Prior, *F. N. B. fol. 169, 170.* Touching this matter, Gwin in his Preface to his Readings, saith, That the King of England as Sovereign Patron of all Arch-bishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient time free Appointment of all Ecclesiastical Dignities, whenever they chanced to be void, investing them first, per Baculum & Annulum, and afterwards by his Letters Patents; and that in process of time, he made the Election over to others, under certain Forms and Conditions; as, that they should at every Vacation, before they chuse, demand of the King Congé d'Esire; that is, Licence to proceed to Election, and then after the Election, to crave his Royal Assent. &c. And further, he affirmeth by good Proof, out of Common Law-Books, That King John was the first that granted this, and that it was afterwards confirm'd by West. 1. cap. 1. which Statute was made An 3 E. 1. And again, by the *Stat. Articuli Cleri*, cap. 2. which was ordain'd, 25 E. 3. stat. 3. It is certain all the Prelacies in England were conferr'd at the Pleasure of the Prince, and the Persons were invested by the King's delivery of a Staff and Ring, till Archbisch. Anselm deny'd this Royal Prerogative, and prevail'd with Pope Paschal to abrogate this Custom by a solemn Canon. After which, the first Bishop who came in by a Regular Election, was Roger Bishop of Salisbury, in 3 Henry 1. *Ann. 1102.*

Congius, An ancient Measure containing about nine Pints: *Et reddat quingue congios, celta & unum Tironi, melli.* Chert. Edmundi Regis de An. 946.

Coningeria, A Cony-barrow, or Warren for Rabbits. — *Item dicunt, quod idem Dominus potest capere in duabus coningeriis quas habet infra insulam de Vesta 100 cuniculos per annum, & valet quilibet cuniculus ii. den.* — Inquis. de Anno 47 Hen. 3. n. 32.

Conisance, See Cognizance.

Conjuration, *Conjuratio*, Is a Compound of *con* and *jura*, and so it signifieth a Plot or Compact made by Men, combining themselves together by Oath or Promise, to do any publick harm: But in our Common-Law it is specially us'd for such as have Personal Conference with the Devil, or evil Spirits, to know any Secret, or to effect any purpose, *An. 5 Eliz. cap. 16.* And the Difference between *Conjuration* and *Witchcraft* seems to be this; That the one by Prayers and Invocations of God's Powerful Names, compels the Devil to say or do what he commandeth him; the other dealeth rather by a friendly and voluntary Conference and Agreement between Him or Her and the Devil, or Familiar, to have Her or His Desires, or Turns served, in lieu of Bloud, or other Gift offered unto him, especially of His or Her Soul. And both these differ from Enchantments or Sorceries, because they are Personal Conferences with the Devil, as is already said; but these are but Medicines, and Ceremonial Forms of Words, call'd commonly *Charms*, without Apparition.

Concreata Vestis, A Hide or Skin dress, & Concreateure, by the Currier. — *Una pellis ovina signa datur concreata, valet unum denarium, obolum; una pellis agnina signa datur concreata, valet i. den.* — *Regulæ compoti Domus de Sarendon. MS.*

Consanguineo, Is a Writ, for the which see *Avoc. & Reg. Orig. de Avoc. Proavo & Consanguineo*, fol. 226. a.

Conservator, A Delegated Umpire, or standing Arbitrator, who as a third impartial Friend, was chosen or appointed a Guarantee to compose and adjust Differences, that should arise between two other Parties. — *Ego Simon Rellor Ecclesie de Heyford Warine—subjiciendo me coercionis & compulsionis, civilibus Indicibus vel delegatis, seu Conservatori, quem dicti Religiosi & eorum Successores duxerint eligendum.* — *Paroch. Antiq. p. 513.*

Conservator of the Truce and Safe-conducts, *Conservator Induciarum & salvarum Regis conductuum*, Was an Officer appointed in every part of the Sea by the King's Letters Patent, and had forty pounds for his Yearly Stipend at the least. His Charge was to enquire of all Offences done against the King's Truce and Safe-conducts upon the main Sea, out of the Liberties of the Cinque-Ports, as the Admirals customably were wont to do, and such other things as are declared, 2 Hen. 5. cap. 6. Touching this matter, read also the Statute of 4 H. 5. cap. 7.

Conservator of the Peace, *Conservator vel Custos Pacis*, Is he that hath an especial Charge, by virtue of his Office, to see the King's Peace kept; which Peace Lambert in effect defineth to be a with-holding or abstinence from that injurious force and violence, which boisterous and unruly Persons are in their natures prone to use towards others, were they not restrained by Laws, and fear of Punishment. Of these *Conservators* he farther saith thus, That before the Time of King Edward the Third, who first erected *Justices of Peace*, there were sundry Persons, that by the Common-Law had Interest in keeping the Peace: Of those some had that Charge, as incident to their Offices which they did bear, and so included within the same, that they were nevertheless call'd by the Name of their Office only: Some others had it simply, as of it self, and were thereof named *Custodes Pacis*, Wardens, or *Conservators of the Peace*. The former and later sort he again subdivideth, which read in his *Eirenarcha*, lib. 1. cap. 3. The Corporation of the great Level of the Fens, does consist of a Governor, six Bayliffs, twenty *Conservators* and Commonalty, as by Act of Parliament, 15 Car. 2. cap. 17. appears. The Chamberlain of Chester is a *Conservator of the Peace* in that County, by virtue of his Office, 4 Inst. fol. 212. And Petty-Constables are by the Common-Law *Conservators of the Peace*, &c. *Conservator of the Privileges of the Hospitalers and Templers*, &c. *West. 2. ca. 43. 4 Inst. fol. 341.*

Consideration, *Consideratio*, Is that with us which the Greeks call'd *συνάλλαγμα*, that is the material cause of a Contract, without which it would not be effectual or binding. This *Consideration* is either express'd, if a Man bargain to give twenty Shillings for a Horse; or else implied, as when the Law it self enforceth a *Consideration*, as if a Man come into a common Inn, and there staying some time, taking both Meat and Lodging for himself and his Horses, the Law presumeth that he intends to pay for both, tho' nothing be farther covenanted between him and his Host. And therefore if he discharge not the House, the Host may stay his Horse, *Fulbeck's Parall. tract. Contractus*, fol. 6. Also there is a *Consideration* of Nature and Bloud, and valuable *Consideration*: And therefore if a Man be indebted to divers others, and yet in *consideration* of Natural Affection, gives all his Goods to his Son or Cousin, this shall be construed a fraudulent Gift, within the Act of 13 Eliz. cap. 5. because this Act intends a valuable *Consideration*.

Consistory, *Consistorium*, Is a word borrowed of the Italians, or rather Lombards, and signifies as much as Tribunal. It is *Vocabulum urisq; Juris*, and is us'd for the place of Justice in the Court-Christian or Spiritual. Every Archbishop, and Bishop hath a *Consistory Court*, held before his Chancellor, or Commissary in his Cathed-

Cathedral Church, or other convenient place of his Diocess, for Ecclesiastical Causes, 4. *Inst.* fol. 338. See further concerning this, *Selden's Hist. of Tythes*, pag. 413, 414.

Consolidation, Consolidatio, It is us'd for uniting two Benefices in one, *Broke, etc. Union*, and *Anno 37 H. 8. cap. 21*. This is taken from the Civil-Law, where it signifies properly an uniting of the Possession or Profit with the Property. For Example, if a Man have by Legacy *Usus-fructum fundi*, and afterward buy the Property or Fee-simple of the Heir, *Hoc casu consolidatio fieri dicitur*. See *Union and Unity of Possession*.

Conspiratores. See their full Description, 33 E. 1. *Stat. 2.* — 2. *par. Inst.* fol. 384, & 562. See *Conspiracy*.

Conspiracy, Conspiratio, Tho' both in Latin and French it is us'd for an Agreement of Men, to do any thing either good or bad; yet in Common-Law it is always taken in *pejorem partem*. It is defin'd *Anno 33 E. 1. Stat. 2.* to be an Agreement of such as do confeder, and bind themselves by Oath, Covenant, or other liance, That every one of them shall bear and aid the others, falsely and maliciously to Indite, or falsely to move or maintain Pleas, and also such as cause Children within Age, to appeal Men of Felony, whereby they are imprisoned, and so grieved; and such as retain Men in the Countries with Liveries or Fees, to maintain their malicious Enterprises. And this extendeth as well to the Takers, as to the Givers. And Stewards and Bailiffs of great Lords, which by their Seignory, Office, or Power, undertake to bear or maintain Quarrels Pleas or Debates, that concern other Parties, than such as touch the Estate of their Lords, or themselves. See 4 E. 3. cap. 11. 3 H. 7. cap. 13. and also 1 H. 5. cap. 3. and 18 H. 6. cap. 12. and the *New Book of Entries, verb. Conspiracy*. In the places before-mention'd, Conspiracy is taken more generally, and is confounded with *Maintenance and Champerty*: But in a more special Signification, it is taken for a Confederacy of two at the least, falsely to indict one, or to procure one to be indicted of Felony. And the Punishment of Conspiracy, upon an Indictment of Felony, at the King's Suir, is, that the Party attainted, lose his *Frank-Law*, to the intent that he be not empannelled upon Juries of Assises, or such like Employments, for the testifying of Truth. And if he have to do with the King's Court, that he make his Attorney, and that his Lands, Goods and Chattels be seisd into the King's hands, his Lands e-streated, his Trees razed, and his Body committed to Prison, 27 *Aff. 59. Cramp. Just. of Peace*, fol. 156 B. This is call'd *Villanous Judgment*. See *Villanous Judgment*. But if the Party griev'd sue upon the Writ of Conspiracy, then see F. N. B. fol. 114, 115. Conspiracy may be also in cases of less weight, *idem fol. 116, &c.* As *Conspiracies* made by Victuallers, touching selling of Victuals, shall be grievously punished. See 37 H. 8. 23. and 3 *part. Inst.* fol. 143. See *Frank-Law*.

Conspirators, Is a Writ that lies against Conspirators, F. N. B. fol. 114. d. *Cramp. de Jurisd. d. fol. 209*. See also the Register, fol. 134.

Constable, Constabularius, Is a Saxon word compounded of *Koning* and *Staple*, which do signifie the Stay or Hold of the King, *Lamb. Duties of Constables, num. 4*. But I have heard it made heretofore of these two words, *Comes stabuli*, which seemeth to me the more probable because we have the Officer from France, as most others, and not from the Saxons. And *Tilius* in his Commentaries *De rebus Gallicis, lib. 2. cap. de Constabili*, hath the same Etymology, giving the reason thereof, *qui praeest stabulo*; which Office is ancient here in England, and mention'd by *Bracton*, seeming to answer him that was call'd *Tribunus castrorum*, under the first Kings of Rome, and *Magister Equitum* afterwards. This word is diversly us'd in our Common-Law: First, For the Constable of

England, who is also call'd *Marshal*, *Stamf. pl. cor. fol. 65*, of whose great Dignity and Authority, a Man may find many Arguments and Signs, both in the Statutes and Chronicles of this Realm. His Office consisteth in the care of the Common Peace of the Land, in deeds of Arms, and matters of War, *Lamb. ubi supra*, with whom agreeth the Statute of *Anno 13 R. 2. ca. 2. Stat. 1.* and *Smith, de Rep. Anglor. lib. 2. cap. 25*. Of this Officer or Magistrate, Mr. *Gwin* in the Preface to his *Requid-ing*, saith to this effect, The Court of the Constable and Marshal determineth Contrasts touching Deeds of Arms out of the Realm, and handleth things concerning War within the Realm, as Combats, Blazons of Armory, &c. But he may not deal with Bartel in Appeals, nor generally with any other thing that may be try'd by the Laws of the Land, and read *Forfeiture, cap. 32*. This Office was belonging heretofore to the Lords of certain Mannors, *Jure Feodi*, and why it is discontinued, see *Dyer, fol. 285. pl. 39*. Out of his Magistracy (saith Mr. *Lambert*) were drawn these lower Constables, which we call Constables of Hundreds, and Franchises, and first ordain'd by the Statute of *Winchester, 13 E. 1.* which appointed for the Conservation of the Peace, and view of Armour, two Constables in every Hundreds and Franchise, which were call'd in Latine *Constabularii Capitales*. And these be now *High Constables*: because continuance of Time, and Increase both of People and Offences, hath again, under these, made others in every Town call'd *Perit Constables*, in Latine *Sub-constabularii*, which are in like nature, but of inferior Authority to the other. Of these also read *Smith, lib. 2. cap. 22*. Besides these, there be Officers of particular places, call'd by this Name, as Constable of the Tower, *Stamf. pl. cor. fol. 152. & Anno 1 H. 4. ca. 13. Stow's Annals, pag. 812*. Constables of the Exchequer, 51 H. 3. *Stat. 5*. Constable of Dover Castle, *Cambd. Brit. 239. F. N. B. fol. 240*. otherwise call'd *Castellane Westm. 1. ca. 7. Anno 3 E. 1.* But these be *Castellani* properly, vs *Lambert* takes notice, tho' conjoyn'd in Name with the others. See the Statute 32 H. 8. cap. 38. *Manwood cap. 13.* makes mention of a Constable of the Forest.

Constat, Is a sort of Certificate made by the Clerk of the Pipe, and Auditors of the Exchequer, at the Request of any Person who intends to plead in that Court, for the Discharge of any thing, 3 & 4 E. 6. 4. 13 *Eliz. 6*. A *Constat* is held to be superior to a Certificate, because this may err or fail in it's Contents, that cannot, as certifying nothing but what is upon Record. Also the Exemplification of the Inrollment of Letters Patents is term'd a *Constat*, *Co. super Litt. fol. 225*. The difference between a *Constat*, *Inspectus & Vidimus*, you may read at large in *Coke's 5. Rep. Pages Case*.

Consuetudo, Dies de Consuetudine, A Days-Work to be done for the Lord, as a Customary Service by the Tenant. — i. e. *debet redditum & quinque dies de consuetudine* — i. e. Five Days Work in a Year. *Paroch. Antiq. p. 229*.

Consulta Ecclesia, A Church full, or provided for. — *Abbas dicit quod praedicta Ecclesia est consultata de ipso Abbate & Conventu qui eam tenent in propriis usibus*. — *Cartul. Radinges, MS. fol. 211. a*.

Consultation, Consultatio, Is a Writ whereby a Cause being formerly removed by Prohibition from the Ecclesiastical-Court, or Court-Christian, to the King's Court, is returned thither again; for the Judges of the King's Court, if upon comparing the Libel with the Suggestion of the Party, they do find the Suggestion false, or not prov'd, and therefore the Cause to be wrongfully call'd from Court-Christian, then upon this Consultation or Deliberation, they decree it to be return'd again; whereupon the Writ in this Case obtain'd, is call'd a Consultation. Of this you may read the *Reg. Orig. 44, 45. uq; ad 58. Old Nat. Brov. f. 32. & F. N. B. f. 50*. Contes

Contentement, Contentementum, Seemeth to be Freehold-Land, which lyeth a Man's Tenementor Dwelling-House, that is in his own Occupation: For in *Magna Charta*, cap. 14. you have these words, *A Freeman shall not be amerced for a small Fault, but after the quantity of the Fault, and for a great Fault after the manner thereof saving to him his Contentement, or Freehold.* And a Merchant likewise shall be amerced, saving to him his Merchandises; and a Villain, saving to him his Waynage. And *Bracton*, lib. 3. tract. 2. ca. 1. nu. 3. hath these words, *Et sciendum quod miles, & liber homo non amerciaabitur nisi secundum modum delicti, secundum quod delictum fuit magnum vel parvum & salvo contentamento suo, mercator vero non nisi salvo Merchandisa sua, & villanus nisi salvo Wainagio:* Which Mercy seemeth to have been learned from the Civil-Law, where *Executio non potest fieri in boves, aratra, aliaque instrumenta rusticorum.* And Sir Henry Spelman says, *Contentementum est estimatio & conditionis forma, qua quis in rebus subsistit.*

Contingent use, Is such a Use as by the Limitation may, or may not happen to vest. Of which you may read to further Satisfaction in *Chadleigh's Case*, *Coke*, Rep. 1.

Continuance, Seems to be us'd in the Common-Law, as *Prærogative* in the Civil. For Example, *Continuance* until the next Assizes, *F.N.B.* f. 154 & 244. In both places be alledged it is said, That if a Record in the Treasury by the one Party, and deny'd by the other, a *Certiorari* shall be sued to the Treasurer, and the Chamberlain of the Exchequer, who, if they certify not into the Chancery, that such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificate, and will them to continue the Assize. In this Signification it is likewise us'd by *Kirkeby*, fol. 199 & 202. and 11 H. 6. cap. 4.

Continual Claim, It is a Claim made from to time within every Year and Day, to Land or other thing, which, in some respect, we cannot attain without danger. As if I be disfeised of Land, into which, tho' I have Right unto it, I dare not enter, for fear of Death or Beating. It behoveth me to hold on my Right of Entry to the best Opportunity of me and mine Heir, by approaching as near it as I can once every Year, as long as I live; and so I save the Right of Entry to my Heir, *Terminus de la Ley*. Again, if I have a Slave or Villain broken from me, and remaining any where within the ancient Demesne of the King, being in the hands of the King, I cannot maintain the Writ *De Nativitate Habendo*, as long as he continueth there; but if I claim him within the Year and Day, and so continue my Claim, until I can find him within that compass, I may lawfully lay hold of him as mine own. *F.N.B.* fol. 79. See more in *Lit. verb. Continual Claim*. And the New Book of Entries, tit. Eodem; and *Fleta*, lib. 6. cap. 53. See *Littl. lib. 3. cap. 7.* and *Stat. 32 Hen. 8. cap. 33.*

Continuando, Is a word us'd when the Plaintiff would recover Damages for several Trespases in the same Action: For in one Action of Trespases, you may recover Damages for divers Trespases, laying the first with a *Continuando* to the whole time, and is in this Form, *Continuando transgressionem prædictam, &c. à prædicto die, &c. usque salem diem;* so including the last Trespases.

Contours. See *Counters*.

Contrabanded Goods, Are such as are prohibited by Act of Parliament or Proclamation, to be imported into, or exported out of this into other Nations.

Contract, Is a Covenant, or Agreement with a lawful Consideration or Cause. *West. Synb. part. 1. lib. 1. sect. 10.* or else one thing must be given for another, which is call'd *Quid pro Quo*; as if I sell my Horse for Money, or Covenant to make you a Lease of my Man-

nor of *Dale*, in consideration of twenty pound; these are *Good Contrasts*, because one thing is given for another. But if a Man make Promise to me, That I shall have twenty Shillings, and that he will be Debtor to me thereof, and after I ask the twenty Shillings, and he will not deliver it; yet I shall never have an Action to recover, because the Promise was no *Contract*, but a bare Promise; and, *in iudo Pæctum non oritur Actio*. But if any thing were given for the twenty Shillings, tho' it were but to the value of a Penny, then had it been a *Good Contract*.

Contrafactio, Counterfeiting. As *Contrafactio Sigilli Regis*, Counterfeiting the King's Seal.

Contra formam Collationis, Is a Writ that lies, where a Man hath given Lands in perpetual Alms to any late Houses of Religion, as to an Abbot and Convent, or to the Warden or Master of any Hospital, and his Convent, to find certain poor Men, and do other Divine Service; if they alien the Land, then the Donor or his Heirs shall have the said Writ to recover the Lands. But this Writ shall be always brought against the Abbot, or his Successor, and not against the Alienee, altho' he be Tenant; but in all other Actions, where a Man demands Freehold, the Writ shall be brought against the Tenant of the Land. This is founded upon the *Stat. of Westm. 2. cap. 1.* And of this see *Reg. Orig. fol. 238.* and *F.N.B. fol. 210.*

Contra formam Feoffamenti, Is a Writ that lies for the Heir of a Tenant, infeofeed of certain Lands or Tenements, by Charter of Feoffment of a Lord, to make certain Services and Suits to his Court, and is afterwards distrained for more than is contained in the said Charter, *Reg. Orig. fol. 176.* *Old Nat. Brev. 162.* This Writ lies not for the Plaintiff, who claims by Purchase from the first Feoffee, but for the Heir to the first Feoffee.

Contramandatio Blaciri. In *Leg. Hen. 1. cap. 59.* It seem to signifie a Respite or giving the Defendant further time to answer: An Impurance or Countermanding what was formerly ordered.

Contrarietatis. *The* Earl of Lancaster, taking part with the Barons against *K. Ed. II.* it was not thought fit, in respect of their Power, to call them Rebels or Traitors, but *Contrarietatis*: And accordingly we have a Record of those Times, call'd *Rotulus Contrarietatum*.

Contributions facienda, Is a Writ that lieth where more are bound to one thing, and yet one is put to the Burden, *Fitz. Nat. Brev. fol. 162.* bringeth these Examples, If Joyn-Tenants, or Tenants in Common, hold a Mill *pro indiviso*, and equally take the Profits, thereof; the Mill falling to decay, and one or more of them refusing to contribute towards the Reparation, the rest shall have this Writ to compel them. And if there be three Coparceners of Land that owe Suit to the Lord's Court, and the eldest perform the whole, then may he have this Writ to compel the other two to a contribution of the charge, or to one of them, if one only refuse. The *Old Nat. Brev.* frameth this Writ to a Case, where one only Suit is required for Land, and that Land being sold to divers, Suit is required of them all, or some of them by Distress, as entirely, as if all were still in one, fol. 103. See *Reg. Orig. rel. 176.*

Controllor, Contravolator, Cometh of the French *Contravolator, Antigraphe*, which in Rome was us'd for him, *ut cui munus injunctum erat, ut observaret pecuniam, quam in usum Principis vel Civitatis collegatam exaceret*, Budæus in *Annot. prio. in Pand. tit. De Quaestoris Officio*. In England we have divers Officers of this Name, as *Controllor of the King's House*, *Stamf. pl. cor. fol. 52.* & 6 H. 4. 3. *Controllor of the Navy*, 35 Eliz. cap. 4. *Controllor of the Customs*, *Crompt. Juvid. fol. 105.* *Controllor of Callis*, 21 R. 2. cap. 18. *Controllor of the Mint*,

Mint, 2 H. 6. 12. *Controller of the Hamper*, who is an Officer in the *Chancery*, daily attending in Term-time on the Lord Chancellor, or Lord Keeper, to take all things sealed from the Clerk of the Hamper, to note the just number and effect of all things so received, and to enter the same into a special Book, with all the Duties appertaining to his Majesty, and other Officers for the same, and so chargeth the Clerk of the Hamper thereof. *Controller of the Pipe*, *Contrarotulator Pipe*, is an Officer of the *Exchequer*, that writeth out Summons twice every Year to the Sheriffs, to levy the Farms and Debts of the Pipe; and also keepeth a *Contrarollment* of the Pipe. *Controller of the Pell*, is another Officer of the *Exchequer*, of which fort there be two, viz. The two Chamberlains Clerks, that do, or should keep a *Controlment* of the Pell of Receipts and Goings out. See *Fleta*, lib. 1. cap. 18. and 12 E. 3. cap. 3. who say, This Officer was originally one that took Notes of any other Officers Accounts of Receipts, to the intent to discover him, if he dealt amiss; and was ordained for the Prince's better Security, however the same sithence may be in some things otherwise apply'd.

Controvoz, French *Controuueur*, He that of his own Head devises or invents false Bruits, or fained News, 2. *Inf.* fol. 227.

Convenable, Convenient or fitting, 29 E. 3. Stat. 2. ca. 21. and 2 Hen. 6. cap. 2. See *Covenable*.

Conventicle, *Convenciculum*, A Private Assembly of a few Folks, under pretence of Exercise of Religion; first given to the Meetings of *Wickliff*, in this Nation, above 200 Years past, but now apply'd to the illegal Meetings of the present *Nonconformists*. It is mention'd 1 H. 6. cap. 3. and declar'd against in Parliament, 16 Car. 2. cap. 4. and 17 Car. 2. cap. 1. apud *Oxon*.

Convencio, Is a word frequently us'd both in ancient and modern Law-Pleadings, for a Covenant or Agreement; as *A. B. guaritur, &c. de C. D. &c. pro eo quod non teneat Conventionem, &c.*

Convencion, Is a Writ that lieth for any Covenant in writing not performed, *Reg. Orig.* fol. 185. *Old Nar. Brev.* fol. 101. *Fitzherbert* calls it *A Writ of Covenant*, *Nat. Brev.* f. 145. where he divideth Covenants into Personal and Real, making a large Discourse of them both; as also how this Writ lieth for both.

Conventuals, Are Religious Persons united together in a Covert, or House of Religion. See *Fryer Observant*.

Conventual Church. See *Parish*.

Convict, *Convictus*, Is he that is found Guilty of an Offence by Verdict of the Jury, *Stamf. pl. cor.* f. 186. Yet *Crompton* out of *Dyer*, fol. 275. saith, That *Conviction* is, either when a Man is Outlawed, or appeareth and confesseth, or else is found Guilty by the Inquest, *Crompt. Just. of Peace*, fol. 9. a. *Conviction* and *Attainder* are often confounded. See *Attain* and *Attainted*.

A Convict Recusant, Is one that hath been legally presented, indicted, and convicted for refusing to come to Church to hear the Common-Prayer, according to the several Statutes of 1 Eliz. 2. 23 Eliz. 1. and 3 Jac. 4. This Term is generally given to *Papists*, tho' any other refusing to come to Church in like manner, are as properly *Recusants*. See *Fury*.

Convocation, Is commonly taken for the General Assembly of the Clergy, to consult of Ecclesiastical matters in Parliament; and as there are two Houses of Parliament, so there are two places, call'd *Convocation-Houses*; the one call'd *The Higher*, where the Archbishops and Bishops sit severally by themselves; the other *The Lower Convocation-House*, where all the rest of the Clergy sit, 25 H. 8. cap. 19. See *Prolocutor*.

Conusance. See *Cognisance*.

Conusant, Knowing, or understanding; as if the

Son be *conusant*, and agrees to the Feoffment, &c. *Co. on Lit.* fol. 159. b.

Conusor. See *Cognizor*.

Cooperto Arbozunt, The Bark of Trees. *Debent habere retro pannagium à Festo Sancti Martini, usque ad Festum Purificationis Beate Mariæ, & omnes cooperationes de maxennio prostrato*, (i. e. all the Bark of Timber-Trees fell'd) *ad opus Domini Regis*. Blount of Tenures, p. 189. who by Mistake renders *Cooperationes* Coverings or Crops of Timber. The same word occurs in the *Additaments to Matthew Paris*. — *Inquiratur qui ceperint cooperationes, coppagia, & escetas quercuum, sive aliarum arborum* (i. e. the Bark, the Chumps, and the broken Wood) tho' Dr. *Watts*, in his Glossary, does unhappily interpret *Cooperationes* to be the Heads and Boughs of Trees. And the Elaborate *Du-fresne*, is as much in the dark for the sense of this word. *Quercus discooperta*, is an Oak debark'd.

Coopertorium Pellium. — *In Pelliaris sunt Pelles & Coopertorium, una pellis ovina sicut datur concrata valet i. den. ob.* — *unum Coopertorium Pellium ovium quod grangiis liberatur valet xii. den.* *Regulæ compoti Domus de Farendon. MS.*

Coopertorium ad lectum, A Blanket, a Coverlid. — *Inter consuetudines Abbatis Glastoniensis, habere debet in Casa Domini unusquisque diurnales sotulares, & in hieme nocturnales, & duo coopertoria ad lectum.* *Cartular. Abbat. Glaston. MS. f. 10.*

Coparceners, *Participes*. Be otherwise call'd *Parceners*, and in Common-Law are such as have equal Portion in the Inheritance of their Ancestor; and as *Littleton* in the beginning of his Third Book saith, *Parceners* be either By Law, or By Custom: *Parceners by Law*, are the Issue Female, which (no Heir-male being) come in equality to the Lands of their Ancestors, *Bro. lib. 2. ca. 30.* *Parceners by Custom*, are those that by Custom of the Country challenge equal part in such Lands; as in *Kent*, by the Custom call'd *Gavelkind*. This among the *Feudists* is call'd *Adæquatio*, *Hot. in verbis Feud. verb. Adæquatio*. Of these you may see in *Littleton* at large, in his First and Second Chapters of his Third Book. And *Britton*, cap. 27. intituled, *De Heritage divisibile*. The Crown of England is not subject to *Coparcenary*, 25 H. 8. cap. 22.

Cope, By *Doomsday-Book*, as Mr. *Hagar* hath interpreted it, signifies a Hill. It denotes also, according to Mr. *Manlove*, in his *Treatise of the Liberty and Customs of Mints, &c.* printed 1653. A Custom or Tribute due to the Lord of the Soyl, or else to the King, out of the Lead-mines, in some part of *Devonshire*: His words are these, —

Egress and regress to the King's High-way, The Miners have, and Lot and Cope they pay, &c.

And a little after,

Six Pence a Load for Cope the Lord demands, &c.

Copie, *Copia*, Is according to the French *Le double de quelque Esriture*; and signifies in a Legal Sense the Example or Transcript of an Original Writing; as the Copy of a Charter, the Copy of a Court-Roll, &c.

Copia libelli deliberanda, Is a Writ that lieth, in Case when a Man cannot get the Copy of a Libel at the Hands of the Judge Ecclesiastical, *Reg. Orig.* fol. 51.

Coppa, A Cock of Grass, Hay, or Corn, so divided into Tithable Portions. This is the true Sense of the Word in that passage of *Will. Thorn inter X Script.* col. 1820. *An. 1177.* — *Pastis sunt Homines de Halmoto de Menstre in Thaneto — fruges omnes suas coppare extunc & deinceps*, (i. e. to set out their Hay and Corn into Cops or Cocks) *& sic per coppas omnes decimas suas*

ipfi & heredes sui à modo, &c. in æternum legitime dare; i. e. by a just and equal Proportion of Tithing to pay the Tenth-Cock. This Authority the Learned *Du-fresne* cites in *voce Coppi*; but seems to understand it only of cutting down their Corn; whereas it strictly denotes the gathering or laying up the Corn in *Coppes* or Heaps, (as they do Barley, Oats, &c. not bound up) that it might be the more fairly and justly tithed. In *Kent* they still retain the word *A Cop of Hay*, *A Cop of Pease*, *A Cop of Straw*.

Coppire domum, To cope a House, or to lay on the Roof, and covering on the Top of it. — *Johanni Bambergeri regulatori, capienti in grosso ad coppipiendum prædium domum, in lib. 1. den. Paroch. Antiquit. p. 575.* From the Sax. *Coppe*, the Height or Top of a thing; *Cop*, the Head or Crown, &c. all from the Brit. *Koppa*, the Top, or highest Part. Hence the *Cope*, or Supreme Cover; as in the Proverb, *Under the Cope of Heaven*. A *Cope*, or Upper Garment, as the outer Vest of a Priest; and in *Chaucer*, *Cope* is us'd for a Cloak.

Coppyhold, *Tenura per Copiam Rotuli Curie*, is a Tenure for which the Tenant hath nothing to shew but the Copy of the Rolls made by the Steward of his Lord's Court, for the Steward, as he enrolleth and maketh Remembrances of all other things done in the Lord's Court; so he doth also of such Tenants as he admitted in the Court, to any parcel of Land or Tenement belonging to the Mannor; and the Transcript of this is call'd *The Copy of the Court-Roll*, which is all the Tenant taketh from him, and keeps as his only Evidence, *Co. lib. 4. fol. 25. b.* This Tenure is call'd *A Base Tenure*, because it holdeth at the Will of the Lord, *Kitchin, fol. 80. cap. Coppyholders, P. N. B. fol. 12.* where 'tis said, That it is wont to be call'd *Tenure in Villenage*, and that of *Coppyhold* is but a new Name; yet it is not simply at the Will of the Lord, but according to the Custom of the Mannor: So that if a *Coppyholder* break not the Custom of the Mannor, and thereby forfeit his Tenure, he seemeth not so much to stand at the Lord's courtesy for his Right, that he may be displac'd hand-over-head at his pleasure. These Customs of Mannors be infinite, varying in one point or other almost in every several Mannor: First, Some *Coppyholders* are fineable at Will, and some certain: That which is fineable at Will, the Lord taketh at his pleasure; but if it exceed two Years Revenue, the Chancery, King's Bench, Common-Pleas, or Exchequer, may reduce them to reason. That which is certain, is a kind of Inheritance, and call'd in many places *Customary*, because the Tenant dying, and the Hold being void, the next of Blood, paying the Customary Fine, as two Shillings for an Acre, or such like, may not be deny'd his Admission. Secondly, Some *Coppyholders* have by Custom, the Wood growing upon their own Land, which by Law they could not have, *Kitchin, ubi supra*. Thirdly, *Coppyholders*, some be such as hold by the *Virge* in ancient Demesnes; and altho' they hold by *Copy*, yet are in account a kind of *Freeholder*; for if such a one commit Felony, the King hath *Annum, Diem & Pastum*, as in case of *Freehold*. Some other hold by *Common-Tenure*, call'd *Meare Coppyhold*, and they committing Felony, their Dand escheateth to the Lord of the Mannor, *Kitchin, fol. 81. chap. Tenement per virge in antiquis Demesnis*; what *Ancient Demesne* is, see in the proper place. See *Tenant by Copy of Court-Roll*. This is the Land that in the Saxon Times was call'd *Folkland*, *Lamb*. Explication of Saxon Words, verbo *Terra ex scripto*. West. Symb. part. 1. lib. 2. sect. 645. defines a *Coppyholder* thus; *Tenant by Copy of Court-Roll, is he which is admitted a Tenant of any Lands or Tenements within a Mannor, that, time out of mind, by Use and Custom of the Mannor, have been demisable, and demised to such as will take the same in Fee, or Fee-tail, for Life, Years, or at Will, according to the Custom*

of the Mannor: By Copy of Court-Roll of the said Mannor, where you may read more of these things.

Cozarle, A small Boat, us'd by the Fishermen upon the River Severn, near Rossal in Shropshire; of a form almost oval, made of split Sally Twigs interwoven, and on that part next the Water cover'd with Leather, or Horse-hide, (the true British Fashion) in which one Man, being seated in the middle, will row himself swiftly with one Hand, while with the other he manages his Net, or Fish tackle: and coming off the Water, will take the light Vessel on his Back, and carry it home.

Cozam non Judice, Is when a Cause is brought in a Court, whereof the Judges have not any Jurisdiction; there it is said to be *Cozam non Judice*, *Croke 2 par. fol. 351. Powell's Case*.

Cozage, Is an Imposition extraordinary, growing upon some unusual occasion, and seems to be of certain Measures of Corn: *Brass. lib. 2. ca. 16. num. 6.* uses *Corus ritici*, for a Measure of Corn; and in the same Chapter, num. 8. hath these words. *Sunt enim quedam communes, &c.* In English thus, *There are certain common Præstations, which are not called Services, neither do they arise from Customs, unless some necessary occasion happen, or that the King comes.* Such are *Hidage*, *Cozage*, and *Carriage*, and many others, which are performed in cases of necessity, by the common consent of the whole Kingdom, and which appertain not to the Lord of the Fee, nor is he bound to acquit his Tenant thereof, unless he hath especially ty'd himself thereto by his own Deed.

Corbel-stones, *Corbelli*, *Corbils*, *Corbitels*. They seem to be the same with what Dr. Skinner calls *Corbels*, and from some Authority, expounds them to be *Stones wherein Images stand*. The old English *Corbel* and *Corbeitl*, was properly a Nich in the wall of a Church, or other Structure, in which an Image was plac'd for Ornament, or Superstition; and the *Corbel-stones* were the smooth and polish'd Stones, laid for the Front and Out-side of the *Corbels*, or Niches. These Niches remain on the out-side of very many Churches and Steeples in England, tho' the little Statues and reliques of Foppery, are most of them broken down. — *Et in solatis Johanni Chepyn Latam aptanti & facienti xviii Corbel-Stony, pñendis in prædlio muro v. fol. 19. den.* See Mr. Kennet's *Paroch* 575. and Glossary, in voce *Corbel-Stones*. — *Libetis prædictis Abbat & Conventui, si sibi placerit in principio fabricæ ipsius muri Corbellos sumptibus eorum propriis in rodem insruere, sed postquam constructus fuerit, nequaquam aliquos Corbellos faciant, nec aliqui eorum faciant.* — *Cart. 50. Edw. III. Inver Munimenta Hospitalis SS. Trinitat. in Pontefract. MS.*

Cord of Wood, ought to be eight foot long, four foot broad, and four foot high by Statute.

Cordage, Is generally apply'd to all Stuff for the making of Ropes, and also to all kind of Ropes belonging to the rigging of Ship, mention'd 15 *Car. 2. cap. 13. Sturman's Dictionary*.

Cordeletta Roba. — *Ad comitatum tentum apud Lestroythiel Com. Cornub. An. regni Regis Ed. fil. Reg. Ed. secundo, Margeria que fuit uxor Walteri de Treverbyn, appellat Thomam Geveil, Rogerum de Ayrudal, &c. quod ipsam spoliaverint de una cordeletta roba pro muliere mixta, & uno firmaculo aureo, &c. Liber Placitorum temp. Ed. I. & Ed. II. MS. penes Dom. Fontaines.*

Cordewan, Skins of Leather, dress'd at Corduba in Spain, and imported hither for the use formerly of Boots and other Calceature, as now chiefly for Gloves. — *Nic forulares de Cordewan ab aliquo accipiant* — *Stat. Ordinis Sempringham, p. 783.*

Calceamenta que de vili corio, quod vulgariiter Bazan dicitur, in alutana id est, Cordewan civiliter communis sunt. Mart. Paris in Vir. Abbatum St. Albani. Hence

Cordubaniarius, French *Cordouannier*, *Cordannier*, a Shoemaker. — *De illa Selda cum pertinentiis quam Walterus Cordubaniarius de me tenuit.* — Cartular. Abbacie de Radings. MS. f. 31. a.

Cordiner, Corneth of the French *Cordouannier*, i. e. *Sutor calcareus*, A Shoemaker, we call him vulgarly a *Cordwainer*, and is so us'd in divers Statutes, at Anno 3 H. 8. cap. 10. & An. 5 H. 8. cap. 7. and others.

Coretis, Pools, Ponds, &c. — *Constituerunt ei Episcopalem Sedem* — apud pagum Landaff, totum infra Tas & Elei, cum piscibus & coretibz suis omnibus, & cum omni sua dignitate. *Histor. Eccles. Landaven. apud Whartoni Angl. Sacr. P. 1. p. 667.* From the British *Cored*.

Cornage, *Cornagium*, From the Lat. *Cornu*; and in our Common-Law signifies a kind of *Grand Sergeanty*: the Service of which Tenure is to blow a Horn, when any Invasion of the Northern Enemy is perceiv'd. And by this many Men hold their Land Northward, about the Wall, commonly call'd, *The Piffz Wall, Cambd. Brit. pag. 609.* and *Littleton, fol. 63.* But by the Stat. 12 Car. cap. 24. all Tenures are turned into Free and Common Socage. Co. on Lit. fol. 107. saith, That in old Books it was call'd *Horne-geld, sed quare.* See *Horne-gold, 2 Inst. fol. 9.* This old Service of *Horn-blowing* was afterwards pay'd in Money, and the Sheriff in his Accounts computed for it, under the Title of *Cornagium*. Memorand. quod cum Vicecomes Cambrix sederet compositionem ad Scaccarium apud Salop, idem Vicecomes fecit tallagium sub nomine suo lx. lib. tam de Cornagio, quam de aliis debitis. Mem. in Scacc 6 E. 1.

Cornet-Tile. See *Gutter-Tile*.

Corody, *Corodiū*, Signifies in the Common-Law a Sum of Money, or Allowance of Meat, Drink and Cloathing, due to the King from an Abbey, or other House of Religion, whereof he is the Founder, towards the reasonable Sustainance of such a one of his Servants, being put to his Pension, as he thinketh good to bestow it on. And the difference between a *Corody* and a *Pension* seemeth to be, That a *Corody* is allowed towards the Maintenance of any the King's Servants that liveth in the Abbey; a *Pension* is given to one of the King's Chaplains, for his better Maintenance in the King's Service, until he may be better provided of a Benefice. Of both these, read F. N. B. fol. 230, 231, 233. who there setteth down all the *Corodies* and *Pensions* certain, that any Abbey, when they stood, was bound to perform unto the King. There is mention also of a *Corody*, in *Stamf. Prærog. 44.* And this appears an ancient Law, for in *West. 2. cap. 25.* It was ordain'd, That an Assise shall lie for a *Corody*: It is also apparent the Statute 34 & 35 H. 8. cap. 16. That *Corodies* belonged sometimes to Bishops from Monasteries. And by the New Terms of Law, That a *Corody* may be due to a Common Person, by Grant from one to another, or of Common Right, to him that is a Founder of a Religious House, not holden in *Frank-Almaine*, for that Tenure was discharg'd of all *Corodies* in it self: By which Book it appeareth also, That a *Corody* is either certain, or uncertain, and that it may be for Life, for Years, in Tail, or in Fee. See *Termes de la Ley*.

Corody habendo, Is a Writ, whereby to exact a *Corody* of an Abbey, or Religious House. See *Corody*; see also *Reg. Orig. fol. 264.*

Coronare Fratres, The old Villains, or those who held in Villenage, were forbid *Coronare Filios*, i. e. to make their Sons Priests, or to let them be Ordain'd; because Ordination chang'd their Condition, and gave them liberty to the prejudice of the Lord, who could before claim them as his Natives, or born Servants. — *Homo Coronatus*, was one who had receiv'd the first *Tonsure*, as preparatory to Superior Orders. *Injustum mihi videbatur illa tam sancta loca in quibus nutritus,*

& coronatus fueram atque ad ultimum ordinatus, relinquere. Affer. de rebus gestis Alfredi, p. 14. The *Tonsure* was in form of a *Corona*, or Crown of Thorns.

Wilfridus — *Tonsura formulam in modum coronæ spinæ, caput Christi cingentis, ab Archiepiscopo suscepit.* Eddius in Vita Wilfrid. cap. 6.

Coronatore eligendo, Is a Writ, which, after the death or discharge of any *Coroner*, is directed to the Sheriff out of the *Chancery*, to call together the Freeholders of the County, for the choice of a new *Coroner*, and to certify into the *Chancery*, both the Election and Name of the Party elected, and to give him his Oath. See *West. 2. cap. 10.* and F. N. B. fol. 163. and *Reg. Orig. fol. 177.*

Coroner, *Coronator*, Is an ancient Officer of this Lord so call'd, because he dealeth wholly for the King and Crown. There be four of them commonly in every County, and they are chosen by the Freeholders of the same upon Writ, and not made by Patent, *Crompt. Jur. fol. 126.* This Officer, tho' now he be some inferior Gentleman, that hath some smattering in the Law; yet if we look to the Statute of *West. 1. cap. 10.* we shall find, That he was wont and ought to be a sufficient Man; that is, the most wise and discreet Knight that best will and may attend upon such an Office: Yea, there is a Writ in the Register, *Nisi sit Miles, fol. 177. b.* whereby it appeareth, That it was cause sufficient to remove a *Coroner* chosen, if he were not a Knight, and had not a 100 li. Rent of Freehold: And the Lord Chief Justice of the King's Bench, is the Sovereign *Coroner* of the whole Realm; that is, where-ever he remaineth, *Lib. Ass. fol. 49.* Coke lib. 4. *Casu de Wardens, &c.* His Office especially concerneth Pleas of the Crown; but if you will see what anciently belong'd to him, read *Bract. lib. 3. tract. 2. ca. 5. De Officio Coronatorum circa homicidium &c. ca. 6, 7, 8.* and *Britten, cap. 1. Fleeta also, lib. 1. cap. 18.* and *Horne's Mirror of Justice, lib. 1. cap. 1.* De l'Office del Couroners. But more aptly for the present Times, *Stamf. pl. cor. lib. 1. ca. 51.* Note, there be certain special *Coroners* within divers Liberties, as well as those ordinary Officers in every County, as the *Coroner of the Forge*, which is a certain compass about the King's Court, whom *Crompt.* in his *Jurisd. fol. 102.* calleth *The Coroner of the King's House*, of whole Authority, see *Co. Rep. fol. 4. lib. 46.* And there are certain Charters belonging to Colleges, and other Corporations, whereby they are licenced to appoint their *Coroner* within their own Precincts. See farther of this, F. N. B. fol. 76. *Smith, lib. 2. cap. 21. de Rep. Angl. Lamb. Eiren. lib. 4. cap. 3. pag. 380.* Also of the Office of *Coroner* in Scotland, see *Skene de verbor. Signif. verbo Iter.*

Corporal Oath. See *Oath*.

Corporation, *Corporatio*, Is that which the Civilians call *Universitatem*, or *Collegium*; and is a Body Politick, authoris'd by the King's Charter, being of capacity to take and grant, having a Common-Seal, &c. These are constituted either by Prescription, by Letters Patent, or by Act of Parliament, and are either *Spiritual* or *Temporal*: Of *Spiritual*, some are Corporations of dead Persons in Law, and some otherwise; some by Authority of the King only, some by mixt Authority. Those that are *Temporal*, some are by the Authority of the King, and also some by the Common Law of the Realm.

Corporation Spiritual, and of dead Persons in the Law, Is where the Corporations consists of an Abbot, and Covent, which had beginning of the King and the Pope, when he had to do here; *Corporation Spiritual*, and of able Persons in Law, Is where it consists of a Dean and Chapter, a Master of a College or Hospital, and this had beginning from the King only.

Corporation Temporal by the King, Is where there is a Mayor and Commonalty. *Corporation Temporal* by

by Authority of the Common-Law, is the Parliament, consisting of the King, the Head; the Lords Spiritual and Temporal, and Commons, the Body.

If Land be given to a Mayor and Commonalty for their Lives, they have an Estate by Intendment, not determinable: So it is, if a Feoffment be made of Land to a Dean and Chapter, without mention of Successors. Release of a Mayor for any sum of Money due to the Corporation in his own Name, is not good in Law, in case of a sole Corporation, as Bishop, Parson, Vicar, Master of Hospital, &c. no Chattel either in Action or Possession shall go in Succession; but the Executors or Administrators of the Bishop, Parson, &c. shall have them; but otherwise it is in case of a Corporation aggregate, as a Dean and Chapter, Mayor and Commonalty, and such like; for they, in Judgment of the Law, never die. Yet the Case of the Chamberlain of London, differs from all these; for his Successor may, in his own Name have Execution of a Recognisance acknowledged to his Predecessor, for Ophanage-money; and the reason is, because in this case the Corporation of the Chamberlain is by Custom, which hath enabled the Successor to take such Recognisances, Obligations, &c. that are made to his Predecessor. And this Custom is founded upon great Reason, for the Executors or Administrators of the Chamberlain, ought not to intermeddle with such Recognisances, &c. which by the said Custom are taken in the Corporate capacity of the Chamberlain, and not in his private.

Corpus cum causa. Is a Writ issuing out of the Chancery, to remove both the Body and the Record, touching the Cause of any Man lying in Execution upon a Judgment for Debt, into the King's Bench, &c. there to lye until he have satisfy'd the Judgment, *Fitz. Nat. Brev. fol. 251. c.*

Corpus Christi day. The next Thursday after Trinity-Sunday, is a Feast instituted in honor of the Blessed Sacrament. It is mention'd 32 H. 8. 21. by which Statute also Trinity-Term is always to begin the Friday next after this Feast.

Corrector of the Staple. Is a Clerk belonging to the Staple, that writeth and recordeth the Bargains of Merchants there made, 27 E. 3. Stat. 2. cap. 22 & 23. The Romans call'd them *Mensurarios*.

Corruption of Blood. Is an Infection growing to the State of a Man attainted of Felony or Treason; for he loseth all to the Prince, or other Lord of the Fee, as his Case is, so as his Issue cannot be Heirs to him, or to any other Ancestor, of whom they might have claim'd by him. And further, if he were Noble, or a Gentleman before, he and his Children are made Unnoble and Ungentile. But if the King will pardon the Offendor, it will cleanse the Corruption of the Blood of those Children, which are born after the Pardon, and they may inherit the Land of their Ancestor purchased at the time of the Pardon, or afterwards, but so cannot they who were born before the Pardon. But there are divers Limitations even in Treason, made by Statutes which save Corruption of Blood, tho' a Man be attainted, 27 E. 3. cap. 77. 13 H. 7. cap. 17. 5 Eliz. cap. 1. 11. 18 Eliz. ca. 1. 6. 14. 31 Eliz. cap. 4. 1 Mar. cap. 12. 1 Jac. cap. 12.

Corse present. Are words borrow'd from the French *Corps present*, signifying a Mortuary, which may be thus term'd; for that where a Mortuary was wont to be due, the Body of the best Beast was according to the Law or Custom offer'd or presented to the Priest. See 21 H. 8. cap. 6.

Corseler. Is a French word, signifying a little Body, in Lat. *Corpusculum*; we generally use it for an Armor to cover the whole Body, 4 & 5 P. & M. cap. 2. where with Pike-men commonly set in the Front and Flanks of the Bartel, are arm'd, for the better resistance of the Enemies Assaults, and the surer Guard of the Gunners plac'd

behind, who were more slightly arm'd for their Speedier advancing, and retreating to Fire. See *Barret's Discourse of War, lib. 3. Dialog. 2.*

Corfined. Sax. *Corfined*, *Panis conjuratus*, Ordeal-Bread; a Superstitious way among the Saxons, to purge themselves of any Accusation, by taking a piece of Bread, and eating it with solemn Oaths and Execrations, that it may prove poison, or their last Morfel, if what they now assert or deny, be not punctually true. These pieces of Bread were consecrated or devoted by the Priest, to such Religious uses, of which the old Form, or *Exorcismus panis hordacei vel casti ad Probationem veri*, is extant in *Lindembrogii*, p. 107. In the Laws of K. Canute, cap. 6. *Si quis altari ministrantium accensetur, & amicum defunctum sit, cum Sacramentales non habeat, condatur ad Judicium quod Anglice dicitur Corfined, & sicut Deus velit, nisi super sanctum Corpus Domini permittatur, ut se purget.* From which, and some other Authorities, I am apt to think that this Corfined was at first the very Sacramental Bread, consecrated and receiv'd with solemn Adjurament, and with devout Expectance it would prove mortal to those who had dar'd to swallow it with a lie in their Mouth: presuming on the continu'd Judgment of Sickness and Death to unworthy Receivers, mention'd by the Apostle, 1 Cor. 11. 29, 30. till possibly the Bishops and Clergy, were afraid to prostitute the Communion-Bread (especially when Transubstantiation required the more profound Respect) to such rash and conceited uses: But however to indulge the People to their Superstitious Fancies, and beloved Customs, they did allow them to practise the same judicial Rite, in eating some other Morfels of Bread, or Cheese, Blest or Curst to the like uses. There is a famous Story of the perfidious Godwyn B. of Kent, in Time of Edw. Confess. who abjuring the Death or Murder of the King's Brother, did appeal at last to his Corfined, or Imprecated-Bread, which as a just Judgment of his solemn perjury, stuck in his Throat, and choak'd him. This Purgation Story is thus in short told by a Contemporary Writer, *Inguilph.* — *Cum Godwinus Comes in mensa Regis de nece sui fratris impetratur, ille post multa Sacramenta, tandem per buccellam deglucendam abjuravit, & buccella gustata continuo suffocatus interiit.* — This among other rude and barbarous ways of Purgation, was often condemn'd, and by degrees abolish'd. And yet we have still some remembrance of this horrid Custom, in some of our usual Phrases of Adjurament; as *I will take the Sacrament upon it.* — *May this Bread be my poison.* — *May this Bit be my last, &c.*

Corrularium. *Corrularium*, *Corrularium*, A Yard or Court, adjoining to a Country-Farm. — *Abbas Glaston. apud Gineledon, construxit — grangium, boterium, vaccarium, stabulum, columbarium, & corrularium, cum domo duo molendina, &c.* Cartul. Glaston. MS. f. 42.

Cosnage. *Cognatione*, Is a Writ that lies, where the Tresayle, (that is, *Tritonus*, the Father of the Besayle, or of the great Grand-father) is seized in his Demelne, as of Fee, at the day of his death, of certain Lands or Tenements, and dieth, and then a Stranger entreth, and abuteth; for then shall his Heir have this Writ of *Cosnage*; the Form whereof, see in F. N. B. fol. 221. of this, read also *Britton* at large, cap. 89.

Cosning. Is an Offence unnamed, whereby anything is done guissfully, in or out of Contracts, which cannot be sily termed by any special Name, *West. Symbel. part. 2. tit. Indictments, sect. 68.* It is call'd in the Civil Law, *Stellionatus*, of *stellio*, a Beast, which is *Lacerid genus versutissimum*, as *Cujacius* in his *Particulis* calleth it: And *Pliny*, lib. 3. cap. 10. sayth, *Nulum animal invidet homini fraudulentius.*

Cotting. In the Fendal-Laws, as there were many Privileges inherent, by Right and Custom, so were

there several other grievous Exactions impos'd by the Lords, by a sort of Prerogative or Seigniorial Authority, as to lie and feast themselves and their Followers (call'd *Coshering*) at their Tenants Houses. Sir Henry Spelman of Parliaments, MS.

Coffard. Apple, whence Coffard-monger, i. e. Seller of Apples. — *reddendo inde annuatim Nobis & heredibus nostris unum pomum coffard de forgabulo ad Festum S. Michaelis.* Cartular. Abbat. Radinges, MS. f. 916.

Coffera. Coast, Sea-Coast. — *Per costeram maris, & partium adjacentium in Comitatu Kentie.* Ordinatio Marisc. Romney. — *Ricardum Thoney ad custodiam costera maris in Com. Essex, per literas nostras patentes assignavimus.* Memor. in Scaccar. Pasch. 24 Ed. 1.

Cot. In the old Saxon signifying Cottage, and so still in many places of England, as Verstegan testifies in his *Restitution*, of decay'd Intelligences in Antiquities. It is also a kind of refuse Wool, clung or clotted together, that it cannot be pull'd asunder, Anno 13 R. 2. Stat. 1. cap. 9.

Cotage, Cotagium. Is a small House, without Land belonging to it, 4 E. 1. Stat. 1. and the Inhabitant of such a House is call'd a *Cotager*; but by a late Statute, no Man may build a *Cotage*, but he must lay four Acres of Land to it.

Cotarti, Cotagers, Dooomsday.

Coterelli. Us'd in the same Book for *Cotageri* also.

Cotellus. A small Cottage. — *Henricus Clericus tenet unum cotellum cum crofta, & reddit per annum octo denarios.* — *Consuetud. Domus de Farendon, MS.*

Coteria, A Cot, House, or Home-stall. — *N. Prior & Capitulum Ecclesie Christi Cant. concedunt Roberto le Herdman terram suam de feodo de Wodetone, & duas coterias juxta terram Burelli, & coteriam illam que fuit quondam Alani de Staple.* — *in mense Aprilis 1245.* Registr. Eccl. Christi Cant. MS.

Coterelli. A sort of stragling Thieves and Plunderers, who seem at first to have Cottagers, and Country Fellows, like the Moss-Troopers on the Borders of Scotland. — *Afferentes igitur & affirmantes se cum Archiepiscopo locuturos, cum pace & pro pace intrare velle, apertis januis intraverunt capati circa decem super loricas, & Hi Bragmanni erant & Coterelli Flandrenses condukti.* Girald. Camb. de vita Galfredi Archiep. Ebor. apud Whartoni Angl. Sac. P. 2. p. 391.

Coterellus. Spelman and Du-fresne make *Cotanus* and *Coterellus*, to be both Servile Tenants: But I think in the *Dooms-day Register*, and other ancient MSS. there doth appear a Distinction, not only in their Name, but in their Tenure and Quality. The *Cotarius* had a free Socage Tenure, and pay'd a stated Firm in Provisions or Money, with some occasional customary Service; whereas the *Coterellus* seem'd to have held in meer Villenage, and has his Person, and Issue, and Goods dispos'd at the pleasure of his Lord. — *Edmund Earl of Cornwall, gave to the Bon-hommes of Atherugge, his Mannors of Chesterton and Ambrosden.* — *una cum Villanis, coterellis, eorum catallis, servitiis, seltis, & sequelis, & omnibus suis ubicunque pertinentibus.* Paroch. Antiq. p. 310.

Cot-gare. Is a kind of refuse Wool, so clung or clotted together, that it cannot be pull'd asunder. An. 13 Ric. 2. Stat. 1. cap. 9. where it is provided, *That neither Denizen nor Foreigner make any other Refuse of Wool, but Cot-gare and Villain.* So the Printed Stat. but in the Parliament-Roll of that Year, it is *Cot-land* and *Villain*.

Cotland, Cot-ferthland. Land held by a Cottager, whether in Socage or Villenage. — *Dimidia acra jacet ibidem inter Cotland, quam Johannes Golde-*

ring tenet ex una parte, & Cotland quam Thomas Webbe tenet ex altera. — Paroch. Antiq. p. 532.

Cotferthla, Cotferle, The little Seat, or Mansion belonging to a small Farm. — *Concessi illam cotferthlum terra quam Petrus filius Jordani tenuit de me in Migeham.* Cartular. Abbat. Radinges, MS. f. 53. 2. — *Ego Thomas filius Will. de Culern, dedi Deo & Ecclesie Malmbsbury unam Cotferle in Culern, cum omnibus pertinentiis.* Cartular. Malmbsbur. MS.

Cotferthug, A Cottager, or Cottage-Holder, who by Servile Tenure, was bound to work for the Lord. — *As in the Services to be done by the Tenants in the Mannor of Blebory, belonging to the Abbat and Convent of Rading.* — *Dicit etiam predictus Abbas, quod Henricus Boton, & Agnes uxor ejus, &c. sunt Cotferthi, ex quibus Antecessores eorum solebant operari quolibet die, excepto Sabbato, & diebus Festivis, a Festo S. Michaelis usque ad tempus salcationis pratorum, ab ortu Solis usque ad horam tertiam omnimoda opera manualia, secundum quod Ballivus ejus voluerit injungere.* Cartular. Radinge, MS. f. 221.

Cottrum, Cot, Coarse or Dag-wooll, of which they made *Cotta*, or *Cottos*, i. e. coarse Blankets. Hence in making Hats, to cotten well, is when the Wooll, &c. works well, and incorporates together. — *Noverritis Nos teneri in centum satcis bona lane, & placabilis sine cot & gard, pro certa summa pecunie.* Cartular. Rad. MS. f. 208.

Cotuchan, Botes, or Husbandmen. Vide the Book of *Doomsday*.

Coucher. Signifies a Factor, residing in some Foreign Country for Traffick; as formerly in *Gascoigne*, for buying Wines, 3 & 4 E. 6. cap. 10. It is us'd for the general Book, wherein a Corporation, &c. register their particular Acts.

Covenable, Rationabilis, Is a French word, denoting fit or convenient. So 4 H. 8. cap. 12. *Covenable* endow'd, that is, endow'd as is fitting. It was also written *convenable*, 27 E. 3. Stat. 2. cap. 17. *Plowd. fol. 472. a.*

Covenant, Conventio, Is the consent of two, or more, to one thing, to do or give somewhat, *West. Symb. part. 2. lib. 1. sect. 4.* It seemeth to be as much as *Pactum Conventum* with the Civilians, which you read oftentimes in Tully; *Pactum conventum* quod & vulgo *vestitum* vocant, opponitur nudo pacto, vel ut ab omni juris solemnitate destituito, *Hujus exempla, &c. Oldendorpius.* And *Covenant* in this signification, is either a *Covenant in Law*, or a *Covenant in Fact*, *Coke, lib. 4. Noke's Case, fol. 80.* or *Covenant Express*, and *Covenant in Law*, *Co. lib. 6. fol. 17. a.* A *Covenant in Law* is, that which the Law intendeth to be made, tho' in Words it be not express; as if the Lessor do demise and grant, &c. to the Lessee for a certain Term, the Law intendeth a *Covenant* on the Lessor's part, That the Lessee shall quietly enjoy his Lease for his Term against all Incumbrances. *Covenant in Fact* is, that which is expressly agreed between the Parties. There is also a *Covenant merely Personal*, and a *Covenant Real*, *F. N. B. fol. 145.* And he seemeth to say, That a *Covenant Real* is, whereby a Man tyeth himself to pass a thing *Real* as Lands or Tenements; as a *Covenant* to leavy a Fine of Land, &c. A *Covenant merely Personal* of the other side is, where a Man covenanteth with another by Deed to build him a House, or any other thing, or to serve him, or to infeof him, &c.

Covenant, Is also the Name of a Writ, for which see *Conventio*; Instruments of *Covenant* you may see good store in *West. Symbol. Part. 1 lib. 1. sect. 100.* See also the *New Book of Entries, verba Covenant.* This Word hath also an evil Interpretation, as the late *Seditious League and Covenant*, was a Seditious Conspiracy, voted Illegal, and Irreligious by Parliament, 1661. and Provision made against it by Stat. 14 Car. 2. cap. 4.

Cobvent,

Cobvent, *Conventus*, Signifies the Society of an Abbey or Priory, as *Societas* signifies the number of Fellows in a College. *Bract. lib. 2. cap. 35.*

Coberture, Is a French word, signifying any thing that covers, as Apparel, a Coverlet, &c. and deduced from the *Cocurrit*, that is, *tegere*: In Law, it is particularly apply'd to the Estate and Condition of a marry'd Woman (who by the Laws of our Realm is *sub potestate viri*, and therefore disabled to make Bargain with any, to the Prejudice of her self, or her Husband, without his Assent and Privity, or at the least without his Allowance and Confirmation. *Bro. hoc tit. per tot. And Bracton, lib. 2. cap. 15. fith. That Omnia que sunt uxoris, sunt ipsius viri, nec habet uxor potestatem sui, sed vir.* And again, *lib. 4. cap. 24. Vir est caput mulieris.* And also *lib. 5. tra. 2. cap. 3.* That in any Law matters, *sine viro respondere non potest.* And in the same Book, *tra. 5. cap. 23. Vir & uxor sunt quasi unica persona, quia caro una & sanguis unus; Res licet sit propria uxoris, vir tamen ejus custodit, cum sit caput mulieris: et lib. 1. ca. 10. num. 2. Uxores sunt sine virga viri.* And if the Husband alien the Wives Lands, during the Marriage, she cannot gain-say it during his Life. See *cui ante divortium, and cui in vita.*

Cobvire, *Covina*, Is a deceitful Assent or Agreement between two, or more, to the prejudice of another. As if a Tenant for Term of Life, or Tenant in Tail, will secretly conspire with another, that the other shall recover against the Tenant for Life, the Land which he holds, &c. in prejudice of him in the Reversion. It cometh from the French Verb *Covenancer*, that is, *de pacisci*, or rather *convenir*, id est, *convenire*.

Count, Signifieth as much as the Original Declaration in a Process, tho' more us'd in Real than Personal Actions, as Declaration is more apply'd to Personal than Real, *F. N. B. a. 60. d. 71. a. 191. c. 217. a. Libel* with the *Civilians* comprehends both. And yet *Count* and *Declaration* be sometimes confounded, as *Count* in *Debt. Kitchin, fol. 281. Count* or *Declaration* in *Appeal. Pl. cor. 78. Count* in *Trespas, Briton, cap. 26. Count* in an Action upon the Case for a Slander, *Kitch. 252* The Word seemeth to come from *France* and *Normandy*, for in the *Grand Customary, cap. 64. Contours* are taken for such as a Man retains to speak for him in any Court as Advocates; and *cap. 63. Pledours*, he makes another sort of Spokesmen in the nature of Attorneys, for one that is himself present, but suffereth another to speak in his behalf. But *Contours* by *Horn's Mir. of Just. lib. 2. cap. Des Loyer*, are such Sergeants, skilful in the Law, which serve the Common People to defend their Actions in Judicature for their Fee, whose Duty, if it be as is there describ'd, and were observ'd, Men might have much more comfort of the Law than they have.

Countree, *French Comitè*, which may be well deriv'd from the Latin *Comes*, because they accompany the King; it was the most eminent Dignity of a Subject, before the Conquest, next to a Duke; and in ancient time were Men of great Estate and Dignity, for which cause the Law gives them large Privileges, as their Persons may not be arrested for Debt, Trespas, &c. they may not be upon Juries, &c. And of old the Countee was *Præpositus*, or *Præfatus Comitatus*; and had the Charge and Custody of the County, in which Authority the Sheriff hath now succeeded, *Co. lib. 9. fol. 46.* and is therefore call'd *Vic-comes*. See *Earl*.

Countenance, Seemeth to be us'd for *Credit* or *Estimation*, *Old Nat. Brev. fol. 111.* in these words; *Also the Attaint shall be granted to poor Men, that will swear they have nothing whereof they may make Fine, saving their Countenance*: So is it us'd *1 E. 3. Stat. 2. cap. 4.* in these words; *Sheriff's shall charge the King's Debtors with as much as they may levy with their Oaths, without abating the Debtor's Countenance.* See *Contentment*.

Counter, *Computatorium*, may be deriv'd from the Latin *Computare*, to account. But we use it for the Names of the two City-Prisons, commonly call'd the *Counters*; whereinto, he that once flippeth, is like to account ere he can get out.

Countermand, Is where a thing formerly executed, is afterwards by some Acts or Ceremony, made void by the Party that had first done it. As if a Man has made his last Will, whereby he devises his Land to J. S. and then he enfeoffs another of the same Land; there this Feoffment is a *Countermand* to the Will, and the Will, as to the Disposition of the Land is void. If a Woman, fei'd of Land in Fee, makes a Will in Writing, and devises, that if A. of B. survives her, then she devises and bequeaths to him and his Heirs her Land, and afterward she intermarries with the said A. of B. there by taking him to Husband and Coverture, at the time of her death, the Will is *countermanded*.

Counterplea, Is compounded of two French Words, *Center*, i. e. *contra*, *adversus*; and *Pleder*, *Causam agere*; it signifieth properly in our Common-Law, a Replication to *Ayde Priit*; for when the Tenant by Curtesie, or in Dower, prayeth in Ayde of the King, or him in the Reversion for his better Defence; or else if a Stranger to the Action begun, desire to be receiv'd, to say what he can for the safeguard of his Estate; that which the Demandant alledgeth against this Request, why it should not be admitted, is call'd a *Counterplea*. And in this Signification it is us'd *25 E. 3. Stat. 3. cap. 7.* See also the *Terms of the Law, fol. 172.* and the *Statutes 3 E. 1. cap. 39.*

Counter Rolls. *Anno 3 E. 1. cap. 10.* Sheriffs shall have *Counter Rolls* with the Coroners, as well of Appeals, as of Enquests, &c.

Counters, *French Countours*, Have been taken for such Sergeants at Law as a Man retains to defend his Cause for his Fee, *Horn's Mirrour of Justices, lib. 2. cap. Des Loyer*, mention'd by *Chaucer* in these words,

*A Sheriff had he been, and a Countor,
Was no where such a worthy Vavasour.*

They were ancient call'd *Sergeant-Countours*, *Co. on Lit. fol. 17. a.*

County, *Comitatus*, Signifies as much as Shire; the one descending from the French, the other from the Saxon, both containing a Circuit, or Portion of the Realm, into which the whole Land is divided, for the better Government thereof, and the more easie Administration of Justice; so that there is no part of the Kingdom that lyeth not within some County, and every County is governed by a yearly Officer whom we call a Sheriff, which among other Duties, belonging to his Office, puteth in execution all the Commandments and Judgments of the King's Courts, *Forresche, c. 24.* Of these *Counties*, there be four of especial mark, which therefore are term'd *Counties Palatine*, as the *County Palatine of Lancaster, Chester, Durham, and Ely, Anno 5. Eliz. ca. 23.* the *Statute 33 H. 8. cap. 10.* mentions the *County Palatine of Hexam*: Heretofore the Jurisdiction of a *County Palatine* was of so high a nature, that whereas all Pleas, touching the Life or Mayhem of a Man, call'd *Pleas of the Crown*, be ordinarily held and sped in the King's Name, and cannot pass in the Name of any other; the chief Governors of these, by especial Charter from the King, did send out all Writs in their own Name, and did all things touching Justice, as absolutely as the Prince himself in other *Counties*, only acknowledging him their Superior and Sovereign. But by *27 H. 8. cap. 25.* this Power is much abridged, to which I refer the Reader: As also to *Crompt. Juris. fol. 137.* Besides these *Counties* of both sorts, there be likewise *Counties Corporate*, as appeareth by the *Stat. 3 Ed. 4. 5.* And these be certain Cities,

Cities, or ancient Boroughs of the Land, upon which the Princes of our Nation have thought good to bestow such extraordinary Liberties. Of these the Famous City of London is one, and the principal, *York* another, 32 H. 8. cap. 13. the City of *Chester* a third, 42 Eliz. 15. *Canterbury* a fourth, *Lamb. Eiren. lib. 1. cap. 9.* *Norwich, Worcester*, and many more, especially the County of the Town of *Kingsme upon Hull*, 32 H. 8. 13. The County of the Town of *Harverford West*, 35 H. 8. 16. and the County of *Lichfield, Cromp. Justice of Peace, fol. 59.* A County in another Signification, is us'd for the County-Court, which the Sheriff keepeth every Month within his Charge, either by himself or his Deputy, *Anno 2 E. 6. cap. 25. Cromp. Jurisd. fol. 221. Bract. lib. 3. cap. 7. & lib. 3. tract. 2 cap. 12.* Of these Counties, there are reckoned in *England* forty, besides twelve in *Wales*, making in all fifty two. The word *Comitatus*, is also us'd for a Jurisdiction, or Territory among the *Feudists*.

County-Court, Curia Comitatus. By *Lambert* is otherwise call'd *Conventus*, in his Explication of *Saxon* Words, and divided into two sorts; one retaining the general Name, as the County-Court held every Month by the Sheriff, or his Deputy the Under-Sheriff, whereof you may read in *Crompt. Jurisd. fol. 231.* The other call'd *The Turn*, held twice every Year; of which see more in his proper place. And *Crompt. Jurisd. ibid.* This County-Court had in ancient Times the Cognizance of great Matters, as may appear by *Glanville, lib. 1. cap. 2. 3, 4.* by *Bracton* and *Britton* in divers places, and by *Fleta, lib. 2. cap. 62.* but was abridg'd by the Statute of *Magna Charta, cap. 17.* and much more by 1 E. 4. cap. 1. It had also, and hath the Determination of certain Trespases and Debts under forty Shillings, *Britton, cap. 27. 28.* What manner of Proceeding was of old us'd in this Court, see *Fleta ubi supra.*

Counting-House of the King's Household, Domus Computus Hospitii Regie. Is commonly call'd *The Green-cloth*, because the Table stands always cover'd with a *Green-cloth*: Here sit the Lord Steward, Treasurer of the King's House, Controller, Master of the Household, Cofferer, two Clerks of the *Green-cloth*, and two Clerks Controllers, for daily taking the Accounts of all Expenses of the Household, making Provisions, and ordering Payment for the same; for the good Government of the King's Servants, and paying the Wages of those below Stairs. *Vid. 39 Eliz. cap. 7. and 4 Inst. fol. 131.*

Courracier, A French word signifying a Horse-Courser, 2 Inst. fol. 719.

Coursitour. See *Cursitour*.

Court, Curia, Cometh of the French Court, which signifies the King's Palace, or Mansion; but deriv'd of the Latin word *Curia*, which, among the *Romans*, had divers Significations; and with us also hath diversity of Senses: As the House where the King remaineth with his ordinary Retinue, and also the place where Justice is judicially administred, of which you find thirty two several sorts in *Crompton's Book of Jurisdictions* well describ'd, and of them most are Courts-Record, some be not; and therefore are accounted *Base Courts*, in comparison of the rest. Besides these, there are also *Courts-Christian*, *Smith de Rep. Angl. lib. 3. cap. 6.* which are so call'd, because they handle matters especially appertaining to *Christianity*, and such as, without good knowledge in *Divinity*, cannot be well judg'd of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the Superiority in all Causes Spiritual; but since his Rejection, they hold them by the King's Authority, *virtute Magistratus sui*, as the *Admiral of England* holds his; whereupon it proceedeth, that they send out their Precepts in their own Names, and not in the King's, as the Justices of

the King's Courts do. And therefore as the Appeal from these Courts did lie to *Rome*; now by the Statute, 25 H. 8. cap. 19. it lyeth to the King in his Chancery.

Court of the Admiralty, Curia Admiraltatis. It was erected, as some hold, by *Edw. III.* for deciding Maritime Causes; and the Title of its Judges is, *Suprema Curia Admiraltatis Anglie Locum Tenens, Judex seu Presidens.* For the Extent of its Jurisdiction, see *Primm's Animadv.* on the 4. Institut.

Court-Baron, Curia Baronis. Is a Court that every Lord of a Mannor (which in ancient Times were call'd *Barons*) hath within his own Precincts. *Barons* in other Nations have great Territories and Jurisdctions from their Sovereign: but here in *England*, what they be, and have been heretofore, see in *Baron.* Of this Court and of a *Court-Leet*, you may read at large in *Kitchin*, who hath writ a whole Book of them. *Co. 4. Rep.* among his Copy-hold Cases, fol. 26. b. saith, That this Court is two-fold; as if a Man having a Mannor in a Town, to grant the Inheritance of the Copy-holders thereunto belonging to another; This Grantee may keep a Court for the Customary Tenants, and accept Surrenders to the use of others, and make both Admittances and Grants. The other Court is of Free-holders, which is properly call'd *The Court-Baron*, wherein the Suitors, that is, the Free-holders, be Judges, whereas of the other the Lord, or his Steward, is Judge.

Court of Peculiars, Curia Peculiarium. Is a Spiritual Court, held in such Parishes as are exempt from the Jurisdiction of the Bishops, and are peculiarly belonging to the Arch-bishop of *Canterbury*, in whose Province there are 57 such *Peculiars*.

Court of Dye-powders. See *Pie-powders*.

Court of Requests, Curia Requisitionum. Is a Court of Equity, of the same nature with the *Chancery*, but inferior to it; being principally instituted for the help of such Petitioners, as in conscionable Cases deal by Supplication with his Majesty. This Court, as *Mr. Gwyn* saith, in the Preface to his *Readings*, Had beginning from a Commission first granted by *Henry the VIII.* to the Masters of the Requests, whereas before that Time, in his Opinion, they had no Warrant of ordinary Jurisdiction, but travell'd between the King and the Petitioner, by Direction from the King's Mouth. But *Sir Julius Caesar*, in a Tractate of his on that Subject, plainly sheweth, That this Court 9 *Hen. VII.* tho' then following the King, as not settled in any certain place, neither sway'd particularly by the Masters of Requests; as you may see more in the same Book in several places, especially pag. 148. Also a pag. prima, usq; ad pag. 46. This Court had assum'd so great Power to its self, that it grew burdenson and grievous, and therefore was taken away with some others, by a Statute made 16 & 17 *Car. I. cap. 10.* and therefore being out of use, we need say no more of it here.

Court of the Legate, Was a Court obtain'd by Cardinal Wolsey of Pope Leo the Tenth, 9 H. 8. wherein he had power to prove Wills, and dispence with Offences against the Spiritual Laws, &c. but it was of short continuance, and fell utterly with him.

Court Christian, Curia Christianitatis. Concerning which, *Linwood* thus, *In Curia Christianitatis, 1. Ecclesia in qua servantur Leges Christi, cum tamen in foro Regio serventur Leges Mundi.* As in the King's Courts Human Laws are maintain'd, so in the *Court-Christian* the Laws of *Christ* should be the Rule: And therefore the Judges are Divines, as Archbishops, Bishops, Archdeacons, and the like, 2 *part. Inst. fol. 488.* See also before in *Cours*.

Court of Delegates. See *Delegates*.

Court of Chivalry, Curia Militaris. Known also by the Name of the *Marshal-Court*, the Judges are the Lord High-Constable of *England*, and the *Earl-Marshal* of

of England. This Court is the Fountain of Martial Law, and the *Earl-Marshal* is not only one of the Judges, but also to see Execution done. See *Constable*, 4. par. *Inst.* fol. 123.

Courtillage. See *Curtillage*.

Courtilands. *Terra acritiles*, Demains, or Land kept in *Demesne*, i.e. in the Lord's own Hands, to serve his Family. See *Curtiles terra*.

Courtesie of England. See *Curtise of England*.

Courthraughe. Is he that willingly receiveth a Man Out-lawed, and cherisheth or hideth him; in which case he was in ancient Time subject to the same Punishment that the Out-law himself was, *Bract.* lib. 3. tract. 2. cap. 13. num. 2. It is compounded of *Courthe*, that is, Known, and *Uslaughe*, an Out-law, as we now call him.

Cowle. A Cowl, or Coule, or Tub with two Ears, to be carry'd between two Persons on a Coule-staff. A *Cowlin* in *Essex*, is the Appellative for any Tub; whence a *Cowler* now pronounc'd, a Cooler, or Brewing-vessel. — *Pro uovo Cowele empti in den. Paroch. Antiqu.* p. 549.

Craiera. A Vessel of Lading or Burden, a Hoy or Smack. — *Ricardus Rex &c. Thomæ de Percy Admiralli nostro* — in Parlamento ordinatum existit percipiendi de qualibet navis & craiera, cuiuscunque fuerit portus quæ Mare transierit, infra dictum Admiratum eandem & redens pro viagia, de quolibet tunc viginti sex denariis. Pat. 2. Ric. 2.

Cranage. *Cranagium*, Is a liberty to use a Crane, for the drawing up of Wares from the Vessels at any Creek of the Sea or Wharf, unto the Land, and to make profit of it. It signifieth also the Money taken, and pay'd for the same. *New Book of Entries*, fol. 3. col. 3.

Crennock. *Crennoe*, An old Measure in Corn. — *Quilibet debet flagellare dimidium crennock frumenti ad semen, & duos bussellor frumenti contra Natale in firma sua.* Cartular. Abbat. Glaston. MS. fol. 39. a.

— *Rex mandat G. de Marisco, Justitiario Hiberniæ* libere Regi Manniæ singulis annis duo dolla vini, & sexies viginti crennock bladi, pro homagio suo. Claus. 3. H. 3. m. 2.

Craſtino Sancti Vincentii. The Morrow after the Feast of St. Vincent the Martyr, being the 22 of January, is the Date of the Statute made at Merton, Anno 20 H. 3.

Craſtant. or *Craſtant*, Was a Word of Oblivion, where in a Tryal by Battel, upon a Writ of Right, the Victory should be proclaim'd, and the Vanquish'd acknowledge his Fault, or pronounce the word *Craſtant*, &c. and thereupon Judgment was given forthwith, and then the *Recreant* should become infamous, 2 par. *Inst.* 247, 248. We retain the word still for a Coward: If the Appellant joyn Battel, and cry, *Craſtant*, amittet liberam legem; but if the Appellee cry *Craſtant*, he shall be hanged, 3 *Inst.* fol. 221.

Craſper. A kind of small Vessel or Ship, mention'd in the Statute, 14 Car. 2. cap. 27.

Craſtor. *Creditor*, Cometh of the French Word *Croyance*, *Persuasio*, and signifieth him that trosteth another with any Debt, be it in Money or Wares. This Word is us'd in the Old Nat. Brev. in the Writ of *Audita Querela*, fol. 66. a.

Craſt. *Craſt*, *Crista*. Any Imagery, or carved Work, to adorn the Head, or top of any Wainſcot, &c. like our Modern Corniſh: The Word is now adopted by the Herald, and apply'd to the Device set over a Coat of Arms. — *Et Willelmo Hykkoſon conducto in groſſo ad menſam Domini ad dolandum & perficiendum Le Craſt*, super cancelum Prioratus ibidem. — Mr. Remer's Paroch. Antiqu. p. 575.

Craſtelle. Vid. *Roſtelle*.

Creeke. *Cryca*, *Crecca*, *Cretum*, Soemeth to be a

part of a Haven, where any thing is landed, or disburdened out of the Sea; so that when you are out of the main Sea, within the Haven, look how many landing places you have, so many Creeks may be said to belong to that Haven. See *Crompt. Jurisdic.* fol. 110. a. This Word is mention'd 5 *Elix.* 5. and 4 H. 4. 10. &c. and 14 Car. 2. cap. 28. and in *Plowd.* in the Case of *Reuiger*, and *Fogſſa*.

Cremementum Comitatus. The Improvement of the King's Rents above the ancient Vicontiel Rents, for which Improvements the Sheriff answer'd under the Title of *Cremementum Comitatus*, or *Firma de cremementum Comitatus*. Hale of Sheriff's Accompts, p. 36.

Cretinus. *Cretena*, A sudden Stream or Torrent. — *Crux lapidea constructa fuit* — cuius quidam crucis corpus per cretinum aqua & tempeſtatem venti obrutum, & constructum exiſtit. Histor. Croyland. Contin. p. 485. — *Omnes inundationes & communis aquarum cretenas, ſufficienter defendere poſſit.* Ibid. p. 517.

Crotard. A sort of old Money. See *Pallard*.

Crociun. This perhaps is the only Word that exercis'd, and elapſed the Sagacity of the very Acute Sir Henry Spelman; who in his Glossary, expresses it to this effect: I hear there is in Ireland a Charter of King Hen. II. wherein he grants very ample Priviledges to a certain Bishop, — exceptis Forestallis, theſauris inventis, crociis, &c. What is meant here by crociis, I have endeavored to find, but can make no answer; if it be any thing else than the Cro in the Scottish Law, that is, the Weregild, or Composition for Manslaughter. For tho' that Prince had taken away the Customs of Weregild from his Subjects, yet he left them entire among the Irish. — This mistaken Sense of a Word, is very rare in Spelman; but it is not so much a Wonder, that *Duſſeine* should not find the true Meaning of it, which yet seems very obvious. For *Crocia* was no more the Croſier, or Pastoral Staff, which Bishops and Abbats had the Privilege to carry, as the common Ensign of their Religious Office: And being Invested in their Prelacies, by the Delivery of such a Croſier. Hence the Word *Crociun* and *Crocia*, did sometimes denote the Collation or Disposal of Archbishopsricks and Abbies, by the Donation of such Pastoral Staff. So as when the King granted large Jurisdiction, &c. exceptis Crociis, it is meant, Except the Collation or Investiture of Episcopal Sees and Abbies.

Crociarius. The Crociary, or Croſs-bearer, who, like our Virger, went before the Prelate, and bore his Croſs. — *Robertus de Wycumbe, Clericus Episcopi Dunelm.* quem vulgo Crociarium ejus vocant, — *Liber de Miraculis Thio. Cantilup. Episc. Heref.* MS. sub Anno 1290.

Croſt. *Croſtum* & *Croſta*, Is a little Cloſe or Pightle, adjoining to a Houſe, either for Pasture or Atable, as the Owner pleases: It seemeth to come of the old English Word *Craſt*, signifying Handy-craſt; because such Grounds are for the most part manured, and extraordinarily dressed by the labour of and skill of the Owner.

Croſ. *Croſus*, *Capillorum croci*, Turning up the Hair into Curls or Croſs; whence *Croſk*, *crooked*, &c. — *Rex Willelmo de Peretor, Salntem.* Sciatis quod concessimus, & plenam potestatem vobis dedimus ſcindendi capillos Clericorum qui ſunt de hoſpicio noſtro, & familia noſtra longos crines habentium, & comas interquintum, & ad crocos capillorum ſuorum dependendos; & ideo vobis mandamus quatenus ad hoc modo debito diligenter intendatis buſuſcindi potestatem noſtram vobis concessam taliter exequentes circa predictos capillos ſcindendos, & crocos dependendos, ne ad capillos noſtros ſcindendos forcipces apponere debeamus: Teſte Meiſſo apud Clare, 11 die Sept. Pat. 21 H. 3.

Croppa. *Sax. Croppa*, A Crop of Corn, or the Product in Harvest. — *Johannes, Prior & Con-*

ventus concedunt Radulpho de Hok, terram de Yokherst — croppam autem de ipsa terra proveniente[m] sapie dictus Radulphus, tempore messisonis in eadem terra debet reponere & custodire. Registr. Cant. Ecclesiæ MS. So also Croppus occurs in the same Sense. See Mr. Kennet's Paroch. Antiq. p. 298. Sax. Crop, the Top or Head of any thing: whence to crop or cut off the upper part; Crop-Ear'd, a Crop of Beef. In Suffex, they call Darnel Crop; and in Worcester-shire, Buck-Wheat goes by the like Name of Crop. The old Lat. *Crope*, was the Buttock of a Horse, whence *Crupper*.

Croffes, Cruce signati, Is us'd by Britton, cap. 122. for Pilgrims: The reason may be, for that they wear the Sign of the Cross on their upper Garments. Of these, and their Priviledges, read *Bract. lib. 5. part. 2. cap. 2. and part. 3. cap. 29. and The Grand Customary of Normandy, cap. 45.* Under this Word are also signify'd the Knights of the Order of Saint John of Jerusalem, created for the Defence of Pilgrims. Such also were those Worthies of the Nobility and Gentry in the Reigns of King Henry the Second, Richard the First, Henry the Third, and Edward the First, who *Cruce signati* were said to take upon them the *Croisade*, for Recovery of the the Holy-Land, *Gregor. Syntagm. lib. 15. cap. 13 & 14.*

Cucherus, Canis Prodrarius, A Coucher, Setter, a Setting-Dog. — *W. Primar Ebor. — dilecto Priori de Birstall, Salutem, &c. Rogamus dilectionem vestram quatenus si placeat, cum celeritate qua poteritis, Nobis provideatis in partibus vestris transmarinis de duobus canibus prodrariis, seu cucheris, & vobis de pretio fideliter & plene respondeamus & de custu, hoc sicut Nos diligitis nullatenus omitatis; ita quod dictos canes habeamus circa Festum Beati Michaelis omni modo. Dat. Beverlaci, 10 Kal. Sept. 1280. Ex Registr. Will. Wickwane, Archiep. Ebor.*

Cucking-stool, Tumbrella, Is an Engine invented for the Punishment of Scolds, and unquiet Women, in ancient Time call'd a Tumbrell, *Lamb. Eirenarch. lib. 1. cap. 12.* *Bracton* writes this Word Tymborella, *Kitchin, cap. Charge in Court-Lect, fol. 13. a. saith, Every one having view of Frank-pledge, ought to have a Pillory and a Tumbrell: where he seemeth by Tumbrell, to mean the same thing.* This was a Punishment anciently inflicted upon Brewers and Bakers transgressing the Laws, who were thereupon in such a Stool immersed over Head and Ears in stercors, some stinking Water.

Cude, A Cude-cloth, A Chrysom, or Face-cloth for a Child; the Priest's Fee in time of Roman Impostion. Probably *Gude-cloth*, i. e. God's cloth, or the Holy Piece of Linnen, us'd in the Dedication of the Child to God.

Cuth, cognitus, Known.

Cudurlaugh. See *Couthlaughe*.

Cui ante Divortium, Is a Writ, that a Woman divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the Marriage, because she could not gainstay it, *Reg. Orig. fol. 233. F. N. B. fol. 240.*

Cut in Vita, Is a Writ of Entry, that a Widow hath against him, to whom her Husband aliened her Lands or Tenements in his Life-time, which must contain in it, That during his Life-time she could not withstand it, *Reg. Orig. fol. 232. F. N. B. fol. 193.* See *The New Book of Entries, verbo Cui in vita.*

Cuinage. See *Cuynage*.

Culagium, Is when a Ship is laid up in the Dock, to be repair'd, *M. S. Ar. Trevor. Arm. de plac. E.*

Culvertage, Culvertagium, May be interpreted Cowardise, as Omnes cum equis & armis, jussit sub nomine Culvertagii convenire, *Mat. Paris, fol. 233.*

Culvertagium, Dicitur puto à Columбина similitudine, nam Culver idem est quod Columba. *Spelm. in voce Niderling.* Others fancy it à Culum vertendo, i. e. Run-

ning away: But indeed the Sense of the Word is not Cowardice, but Confiscation, or Forfeiture of Lands and Goods, and was a Norman Feudal-term, for the Lands of the Vassal escheating to the Lord. And sub nomine Culvertagii, was under Pain of Confiscation.

Cuna. Doom's-day, tit. Cestria. Quando Rex ita veniebat, reddebat ei unaquaque carrucata cc. bestias, & unam cumam plenam cervisie. So Customar. de Hecham, p. 21. Omnis Lanceta & Tostman inveniet cumam, si habeat ad cervisiam Domini faciendam. — Thus *Spelman* reads the Word; but it truly is *Curva*, *Gall. Curve*. *Angl. Keewe, Keever, a Tub, or Fat for Brewing.*

Cuneus, A Mint, or Place to coyn Money, Mandatum est, &c. sciatis quod concessimus venerabili Patri nostro Cicestr. Episcopo quod habeat Cuneum suum in Civitate Cicestrie, &c. T. 29. Apr. Claus. 6. Feb. m. 3.

Cuntey, Cuntey, Is a kind of Tryal, as appeareth by *Bracton*, in these Words, *Negotium in hoc casu terminabitur per Cuntey Cuntey, sicut inter cohæredes, Bract. lib. 4. tract. 3. ca. 18.* And again, in the same place, *In brevi de reſto negotium terminabitur per Cuntey Cuntey.* And thirdly, *lib. 4. tract. 4. cap. 2. Terminabitur negotium, per breve de reſto, ubi nec duellum nec magna Assisa, sed per Cuntey Cuntey omnino;* which in mine Opinion is as much as by the Ordinary Jury.

Curfew, Cometh of two French Words, *Cœur*, that is, *tegere*; and *Feu*, *Ignis*, *Fire*: We use it for the Ringing of a Bell, by which the Conqueror willed every Man to take warning for the raking up, or covering of his Fire, and the putting out of his Light. So that in many places at this day, where a Bell customably is wrung towards Bed-time, it is said to wring *Curfew*, *Stow's Annals, in vita Gul. Conqueror.*

Curia. See *Court*.

Curia abisare vult, Is a Deliberation that the Court intends to take upon any point, or points of a Cause, before Judgement be resolv'd on: For this, see the *New Book of Entries, verbo Curia advisare vult.*

Curia claudenda, Is a Writ that lyeth against him who should fence and close up his Ground, if he refuse or defer to do it, *Reg. Orig. fol. 155. F. N. B. fol. 127.* See also *The New Book of Entries, verbo Curia claudenda.*

Curia Domini, The Lord's House, Hall, or Court, where all the Tenants, if need require, were bound to attend every three Weeks, but generally at the Feast of the Annunciation and St. Michael; from whence the Courts kept at those times, were call'd *Curia generales*, the General, or more Solemn Court.

Curia Militum, A Court so call'd anciently held at *Carisbrook Castle*, in the Isle of Wight. — *Et idem Dominus Willelmus de Insula debet facere ſectam ad curiam Domini castri de Carisbrook, de tribus septimanis in tres septimanas, que vocatur Curia Militum.* *Inquis. de Anno 47 H. 3. m. 32.*

Curia Pentitiarium, Is a Court held by the Sheriff of *Cheſter*, in the place there commonly call'd *The Pendice*, *Pl. in Itin. apud Cestr. 14 H. 7.* Probably so call'd at first, because it might be held under a *Pent-house*, or open Shed cover'd with Boards.

Curia, The Word was sometimes taken for the Persons or Feudatary, and other Customary Tenants, who did their Suit and Service at the Court of the Lord. So to a Charter of *Bernard de St. Walery, An. 30 H. 2. His testibus — & omni Curia mea.* *Kennet's Paroch. Antiq. p. 139.*

Curia Canonicozum, The Court-Lodge, or Manor-House in a Lordship, belonging to the Religious. — *juxta rivulum extra curiam Canonicozum — Paroch. Antiq. p. 177.*

Curia Personæ, The Parsonage-House, or Manse. — *Omnes obventiones altaris & camerarii prædictæ Ecclesiæ, & totam terram, & Curiam Personæ* — *crof-*

—*cretram quæ jacet juxta Curiam Personæ.*—

Kennel's Paroch. Antiq. p. 205.

Curia Additus, The Duty of coming to pay Suit and Service at the Court of the Lord. — *Reddit per annum ad terminum ipsius unam marcam, & unum Adventum Curie.* — i. e. For the Rent of one Mark, and the Service of coming once to the Lord's Court yearly. *Paroch. Antiq. p. 400.*

Curnocke, Is four Bushels, or half a Quarter of Corn, *Fleta. lib. 2. cap. 12.*

Curser, Curser, A Courier, or Express Messenger of haste. — *H. Rex Angl. &c. L. Principi Aberfræwe Domino de Snoudon, Salutem, &c. totum. Quia propter inundationes aquarum & viarum discrimina Nuntii nostri ad nos accedere non possunt, per Curser quendam literas præsentis duximus destinandas.* *Cart. H. 3.*

Curfios, Clericus de curia, Is an Officer, or Clerk belonging to the Chancery, that maketh out original Writs, 14 & 15 H. 8. cap. 8. They be call'd Clerks of the Curse, in the Oath of the Clerks of the Chancery appointed 18 E. 3. Stat. 5. cap. Unico. There be of these twenty four in number, which have allotted to each of them several Shires, in which they make out such original Writs as are by the Subject required, and are a Corporation of themselves.

Curfones terræ. — *Sciatis quod Ego Willielmus Crump, dedi — Henrico de Sweton unam dimidiam curiam, & duas curfones terræ meæ in Lyfton, &c.* *Dat. 14 Ed. 2.* Seems to signifie Ridges of Land.

Curtesie of England, With us hath a proper Signification, being us'd for a tenure; for if a Man marry an Inheretrix, that is, a Woman seised of Lands in Fee-simple, or Fee-tail general, or seised as Heir of the Tail special, and getteth a Child of her that cometh alive into the World, tho' both it and his Wife die forthwith; yet if she were in possession, he shall keep the Land during his Life, and is call'd *Tenant per Legem anglie*, or *Tenant by the Curtesie of England*; because this Privilege is not allowed in any other Country except Scotland, *Glanville, lib. 7. cap. 18. Bract. lib. 5. tract. 5. cap. 40. num. 7, 8, 9. Britton, cap. 51. fol. 132. Fleta, lib. 6. cap. 56. E. N. B. fol. 149. Littleton, lib. 1. It is called, The Law of England, West. 2. cap. 3. This in Scotland is call'd Curialitas Scoticæ. Skene, de verb. Signifi. verbo Curialitas, who there maketh a large Discourse of this Custom. See more Terms de la Ley.*

Currier, Is one that dresses or liquors Leather, and is so call'd of the French Word *Cuir*, i. e. *Corium* Leather: The Word is us'd in all the Statutes made for the good making of Leather, as 1 Jac. cap. 22.

Curteyn, Curtana, Was the Name of King Edward the Confessor's Sword, which is the first Sword carry'd before the King of this Land at his Coronation, *Mat. Paris, in Vita Henrici Tertii.* And they say, The Point of it is broken, which may seem therefore to be an Emblem of Mercy.

Curtilage, Curtilagium, Signifieth a Garden, Yard, or Field, or other piece of Ground lying near, or belonging to a Messuage, *West. Symb. par. 2. tit. Fines, sect. 26.* And so it is us'd *Anno 4 E. 1. cap. Unico. 35 H. 8. cap. 4. 39 Eliz. cap. 10. and Coke, vol. 6. fol. 64. a. and Linwood, tit. de Decimis, cap. Sancta, sect. Omnis verbo Curtelegiorum.* So that in effect it is a Yard, or a Garden belonging to a House. *Mibi dici videtur Curtilagium (says the Learned Spelman) à Curtellum, & ago scilicet locus ubi curtis, vel curtuli negotium agitur.*

Curtils terræ, Court Lands. Among our Saxon Ancestors, those *Thanes* who posselt Boeland, or Hereditary Lands, divided them into *Inland* and *Outland.* The *Inland* was that which lay most convenient for the Lord's Mansion-House; and therefore the Lords kept that part in their own hands, for support of their Family, and for Hospitality. The *Normans* afterward

call'd these Lands *Terras Dominicales*, the *Demains*, or Lord's Lands. The *Germani Terras Indominicatas*, Lands in the Lord's own use. The *Feudists Terras Curtils*, or *Intra curtem* Lands, appropriate to the Court or House of the Lord. *Spelman of Feuds, cap. 5.*

Custode admittendo, & Custode amovendo, Are Writs for the Admitting or Removing of Guardians, *Reg. Orig. in Indice.*

Custodes Libertatis Angliæ authorize Parliaments, Was the Title wherein Writs and other Judicial Proceedings, did run during the late Times of Trouble, viz. From the Murther of King Charles the First, till the Usurpation by Cromwell, mention'd and declar'd traitorous by the Stat. 12 Car. 2. cap. 3.

Custom, Consuetudo, Is all one in Signification with our Common Lawyers and Civilians, being by both accounted a part of the Law: *Consuetudo quæcumque pro Legē servatur*, saith *Bracton*, partibus ubi fuerit more utentium approbata; *Longæ enim temporis usus & consuetudinis non est nullis auctoritas*, lib. 1. cap. 3. It may not unaptly be thus defined, *Custom* is a Law or Right not written, which being established by long use, and the consent of our Ancestors, hath been, and is daily practis'd. Our Ancestors, that is, *Majores*; and those of our Kindred that are *ultratrivium*: So that allowing the Father to be so much elder than the Son, as *Pubertas*, or the Years of Generation do require the Grand-father, so much elder than him, and so *usque ad trivium*; We cannot say, That this or that is a *Custom*, unless we can justify it hath continued so at least one hundred Years. For *Trivium* must be so much elder than the Party that pleaded it; yet because that is hard to prove, it is enough for the Proof of a *Custom*, if two or more Witnesses can depose, That they hear'd their Father say, That it was a *Custom* all their Time, and that their Fathers heard their Fathers also say, That it was likewise a *Custom* in their Time. It is to be proved by Record, the continuance of a hundred Years will serve, *Davies's Rep. fol. 32.* *Custom* is either *General*, or *Particular*. *General*, I call that which is allowed through all England, whereof you may read divers in *Doff. and Stund. lib. cap. 7.* very worthy to be known. *Particular*, is that which belongeth to this or that County, as *Gavelkind to Kent*; or to this or that Lordship, City or Town. *Custom* differeth from *Prescription*, for that *Custom* is common to more, and *Prescription* is particular to this or that Man. Again, *Prescription* asketh not that length of Time to set it up as *Custom* doth, but is pleadable in a far shorter time, viz. Five Years, one Year, or less: Example of Five Years *Prescription* you have in the levying of a Fine; for if a Fine duly levied of Lands and Tenements, be not impugned within Five Years, it excludeth all Claim for ever. And if a Man omit his continual Claim for a Year and a Day, then the Tenant in possession prescribeth an Impunity against the Entry of the Demandant, and his Heir, *E. N. B. fol. 79. Termes de la Ley, verbo Continual Claim*: Out of the Statutes you have greater diversity, which see collected in *Cowell's Institutes, tit. Duplicat. & long temp. prescript.* So that *Brissinus* in his 14 lib. de verb. Signifi. saith truly; That *Prescription* is an Exception founded upon so long time past, as the Law limiteth for the pursuit of any Action. An Example may be taken from those Statutes, 1 H. 8. cap. 4. which enaeth, That in all Actions popular, Information shall be made within three Years after the Offence committed, or else be of no Force. Of like nature is the Statute 7 H. 8. cap. 13. which in some cases makes one Year's *Prescription* sufficient against Informations. *Custom* is also us'd for the Tribute, or Toll that Merchants pay to the King, for the carrying in and out of Merchandise, 14 E. 3. Stat. 1. cap. 21. in which Signification it hath the Latin Name *Cusuma*, *Reg. Orig. fol. 138. a. 129. a. 4. Infl. fol. 29.* And lastly, for such

Services as Tenants of a Mannor owe to their Lord, *New Book of Entries, verbo Custome.*

Custom-House, Is a House in several Cities and Port-Towns, as *London, &c.* where the King's Customs are receiv'd, and all Business relating thereunto transacted. See 12 Car. 2. cap. 4.

Customary Tenants, *Tenants per consuetudinem*, Are such Tenants as hold by the Custom of the Mannor, as their Special Evidence. See *Copy-holds.*

Customs and Services, Consuetudinibus & Servitiis, Is a Writ of Right close, which lyeth against the Tenant, that deserveth his Lord of the Rent or Service due to him. Of this, see more at large in the *Old Nat. Breu.* fol. 77. *F. N. B.* fol. 151. and *Reg. Orig.* fol. 156.

Custos Brebium, Is the Principal Clerk belonging to the Court of *Common-Pleas*, whose Office is to receive and keep all the Writs, and put them on Files, every Return by it self; and at the end of every Term to receive of the *Proto-Notaries* all the Records of *Nisi prius*, call'd *The Posse*; for they are first brought in by the Clerk of the *Affise* of every Circuit to the *Proto-Notary* that entered the Issue in that Matter, for the entering of the Judgment. And then do the *Proto-Notaries* get of the Court Peremptory-day, for every Party to speak what he hath to alledge in Arrest of Judgment, which Day being past, he entred the Verdict and Judgment thereupon into the Roll of the Court: and that done, he doth at the end of the Term deliver over to the *Custos Brebium* all the Records of *Nisi prius*, which came to his hand that Term; which received he bindeth into a bundle, and bestoweth them in apt place. The *Custos Brebium* also maketh Entry of the Writs of Covenant, and the Concord upon every Fine, and maketh forth Exemplifications and Copies of all Writs and Records in his Office, and of all Fines levy'd. The Fines after they be engrossed, the Parts thereof be divided between the *Custos Brebium* and the *Chirographer*; whereof the *Chirographer* keepeth always the Writ of Covenant and the Note, the *Custos Brebium* keepeth the Concord and Foot of the Fine; upon which Foot the *Chirographer* doth cause the Proclamations to be endorsed, when they be all proclaimed. This Office is in the King's Gift. There is also a *Custos Brebium & Rotulorum* in the King's-Bench, who fileth such Writs as are there us'd to be filed, and all Warrants of Attorney, and transcribeth, or maketh out the Records of *Nisi prius*, &c.

Custos Placitorum Coronæ, *Bract. lib. 2. cap. 5.* This seems to be all one with him whom we now call *Custos Rotulorum*. Of this Officer mention is made in the Writ *Odia, & Atia, Reg. Orig.* fol. 133.

Custos Rotulorum, Is he that hath the custody of the Rolls, or Records of the Sessions of Peace; and, as some believe, of the Commission of the Peace it self, *Lamb. Eircu. lib. 4. cap. 3. pag. 373.* He is always a Justice of Peace and *Quorum*, in the County where he hath his Office; and by his Office is rather termed an Officer or Minister than a Judge, because the Commission of the Peace layeth by express words this Special Charge upon him, *Quod ad dies & loca prædicta, Brevia, Precepta, Processus & Indictamenta prædicta coram te & aliis Sociis tuis venire fac,* *Lamb. ibid.* Where you may find a large Tract concerning this Office, who shall appoint the *Custos Rotulorum* in every County. See 37 H. 8. cap. 1. and 3 & 4 E. 6. cap. 1. & 2 *Inst.* fol. 674.

Custos of the Spiritualities, Custos Spiritualitatis vel Spiritualium, Is he that exerciseth Spiritual or Ecclesiastical Jurisdiction of any Diocess, in during the Vacancy of the See. The Appointment of whom, by the Canon-Law, appertains to the Dean and Chapter; but at present with us in England, to the Archbishop of the Province by Prescription; Howbeit, divers Deans and Chapters, (if *Ow in say* truly in the Preface to his Readings)

do challenge this by ancient Charters from the Kings of this Land.

Custos Temporalium, The Person to whose Custody a vacant See, or Abby (was committed by the King, as Supreme Lord: who, as a Steward of the Goods and Profits, was to give account to the *Exchequer*, and he into the *Exchequer*. His Trust continued till the Vacancy was supply'd by a Successor, who obtain'd the King's Writ *De Restitutione Temporalium*, which was commonly after Consecration, yet sometimes before.

Cutts, Flat Bottom'd-Boats, us'd in the Channel for transporting Horses. *A. D. 1474.* when *K. Edw. IV.* came to *Dover*, the Duke of *Burgoyne*, to help his Passage, sent 500 Boats of *Holland* and *Zealand*, call'd *Cutts*, which are flat and low, built very commodiously for transporting of Horses. *Stow Annal.* p. 412.

Cutter of the Talleggs, Is an Officer in the *Exchequer*, that provideth Wood for the *Talleys*, and cuts the Sum pay'd upon them, and then casteth the same into the Court to be written upon.

Cuba, Gall. *Cwoos*, Angl. *Keew, Keever*, A Tub, or Brewing-vessel. *Vid. Cuna.*

Cupnagr, Is a Word us'd in the Statute of 11 H. 7. cap. 4. for the making up of Tin into that fashion, as it is us'd to be fram'd, for the better carriage of it into other places.

Cyppus. — *Et debent habere amerciamen- ta de expeditariis canum, mel & nuce, & cyppos per totam forestam.* — *Ryley's Placit. Parl.* fol. 652. *Du Fresno,* in his *New Glossarium*, says it signifies *Retes*, a Net; but *Quare.* — I rather think, in the Authority before cited, it signifies a sort of Berries; possibly *Hips* and *Haws*.

Cyprickseat, Is a Saxon Word, signifying a Tribute due to the Church, *Spelm. de Concil.* vol. 1. fol. 125. See *Charcheffit.* — See the Original of this Custom, and the continuance of it, Historically delivered, by *Mr. Kennet* in his *Paroch. Antiq.* p. 563.

Cyppus, Scirpus, Rushes, It was in old Times a common Practice, (and is still in some places retain'd, more especially in *Wales*) to bring Rushes, and strow the body of the Church, for the convenience of warmth and better kneeling. And hence it was laid as a customary Service on some Persons, that they should find the Church with Straw in Winter, and with Rushes in the Summer. — *In Ordinatione Domini Jocelini Episcopi Bath. super thesauraria Ecclesiæ Wellensis, facta An. 1226.* — *Ordinatum est ne thesaurarius inveniat cyppos per æstatem.* *Reg. Dec. & Capit. Well. MS.*

D.

Datra, *Johannes Birt, posuit in quandam navem decem sacras coræ lanceati,* 23 Aug. 39 *Eliz.* *Placit. An.* 41 *Eliz.*

Daggerius, Daggardus, Gall. *Dague*, Brit. *Dagr*, Engl. *Dagger.* — *Habentes cuttellos, quos daggerios vulgariter dicunt.* *Henr. Knyghton* in *Ed. III.*

Dakir, By the Stat. *De Compositione Ponderum & Mensurarum.* 51 H. 3. A Last of Hides consists of twenty *Dakirs*, and every *Dakir* of ten Hides: But by 1 Jac. cap. 33. a Last of Hides is twelve dozen. See *Dicker of Leather, post.*

Dalus, Dailur, Dayla, A Dale, a Valley, or low place. — *Et in eadem villa terram trium carricarum, & tres dalos prati, & unum hulum.* *Mon. Angl. tom. 1. p. 680.* & *totam daylam marisci, tam de rella quam de prato.* *Mon. Angl. tom. 2. p. 211.* The *Dali Prati* abovemention'd, seem to be such balks or narrow slips of Pasture, left between the plough'd Furrows in *Arable-Land*, which in some parts of *England* are still call'd *Doses*, and *Dools*. The *Old British Dal*, and

and *Deldair*, was a Vale. And the present *Welsh* use the Word *Dôl*, for a low Meadow by a River side. This the original Name and Nature of *Deal* in *Kent*, where *Cæsar* landed, and fought the *Britains*: *Cæsar ad Dole bellum pugnavit*. Nennius.

Damage, *Dammum*, Generally signifieth any Hurt, or Hindrance that a Man taketh in his Estate; but in the Common-Law it is a part of that the Jurors be to enquire of, passing for the Plaintiff or Defendant in a Civil Action, be it Personal or Real. For after Verdict given of the Principal Cause, they are likewise asked their Consciences touching *Costs* (which be the Charges of Suit, call'd of the Civilians, *Expense Litis*) and Damages, which contain the Hindrance that the Plaintiff or Demandant hath suffered, by means of the Wrong done to him by the Defendant or Tenant, *Co. on Lit. fol. 257*. By the Statute 8 E. 3. 22. a means for the Recovery of Damages was given to the Defendant in an Appeal, when he was acquitted of the Felony. And the Statute of *Westm. 2. Anno 13 E. 1. cap. 12.* gave a more expeditious Redress, than a Writ of Conspiracy against the Procurers and Abettors. This Word *Damage* is taken in the Law in two several Significations, the one Properly and Generally, the other Strictly and Relatively Properly, as it is in Cases where Damages are founded upon the Statute of 2 H. 4. cap. 1. and 2 H. 6. cap. 9. where Costs are included within this Word *Damages*: for *Damage* in it's proper and general Signification, is said a *demands*, when a thing by Diminution is made worse; and in this Sense, Costs of Suits are Damages to the Plaintiff, for by it his Substance is diminished. But when the Plaintiff declares the Wrong done to him, to the Damage of such a Sum, this is to be taken Relatively, for the Wrong which is passed before the Writ brought, and are assessed by reason of the Trespas's aforesaid, and cannot extend to Costs of Suit, which are future, and of another nature. See *Co. lib. 10. fol. 116, 117*.

Damage clerice, *Dammia clericorum*, Is now assessed by the Tenth part in the Common-Pleas, and the Twentieth part in the King's Bench and Exchequer, of all Damages; (exceeding five Marks) recovered either by Verdict, Confession, or Judgment of the Court, in all Actions upon the Case, Covenant, Trespas's, Battery, False Imprisonment, Dower, and all others, wherein the Damages are incertain, which the Plaintiff must pay to the Prothonotary, or Chief Officer of that Court, wherein they are recovered, before he shall have Execution for them. This was no other originally than a Custody given to the Prothonotaries and their Clerks, for drawing Special Writs and Pleadings, which afterwards grew to a certainty; and was, as some have fancied, of old, a Tenth part of the Damages recovered: For it appears by ancient Records, that it hath been incertain, sometimes a Sixth, and at other times a Third part. This is taken away by 17 Car. 2. c. 6. from and after the 29 of September, 1672, and till that time to be paid out of such Moneys only as shall be actually levy'd, or otherwise paid by the Defendants, and only for the Proportion of the Money which shall be so levy'd or paid, and no more, or otherwise.

Damage feasant, That is, doing Hurt or Damage, and is when a Swanger's Beasts are in another Man's Ground, without Licence of the Tenant of the Ground, and there do feed, tread, and otherwise spoil the Corn, Grass, Woods, and such like: In which case the Tenant, whom they damage, may therefore take, distrain, and impound them as well in the Night, as in the Day. But in other cases, as for Rent and Services, and such like, none may distrain in the Night, *Scar. de districtione Sencar. An. 51 Hen. 3.*

Damifella, A light Dimosel, a Miss. — *Wilhelmus Hoppeshort, tenet dimidiam virgatum terra in*

Bokhampton de Domino Rege, per scriptum custodiendi sex Damifellas, scilicet Meretricis, ad cultum Domini Regis. 12 Ed. 1. i. e. by Pimp-Tenure. See Blount's Tenures, p. 39.

Dammum, *Infra damnum suum*, Within the Bounds or Limits of his own Property, or Jurisdiction. — *Si quis invenerit in damno suo aucas, gallinas aut capras, &c. Bract. lib. 2. de Coron. ca. 37. — Animalia, in damnis distorum Praetrum inventa. Mon. Angl. tom. 2. p. 861.* Hence a *Dam*, a Boundary or Confinement; to dam up, to dam out.

Dane-gelt, *Dane-geld*, or *Dane-gilt*, *Danegildum*, Is compounded of the Word *Dane* and *Gelt*, that is, Money; and was a Tribute laid upon our Ancestors the Saxons, of Twelve Pence upon every Hide of Land through the Realm, by the Danes, who in those Days lorded it here, — *Cambr. Brit. 83.* with whom agree the Laws of St. Edward, set out by Lambert, in his *Archæologia*, cap. 11. Stow in his *Annals*, pag. 118. saith, This Tribute came to 40000 Pounds per annum, and that it was released by Edward the Confessor. The Author of the *New Terms of the Law* saith, That this Tribute began in the Reign of King Ethelred, who being sore distressed by the continual Invasions of the Danes, to procure his Peace, was compelled to charge his People with insupportable Payments; for first, he paid them at five several times, 113000 Pounds, and afterwards granted them 48000 Pounds yearly. See *Rog. Horveden, parte post. fur. Annal. in H. 2. fol. 344. a. and Ingulph. fol. 510. a. Spelm. Gloss. and Selden's Mare Claus. fol. 190. and Kenner's Glossary.*

Danelaga. See *Merchenlage*.

Danger, *Dangeria*, A Payment in Money, made by the Forest-Tenants to the Lord; that they might have leave to plough and sow in time of *Pannage*, or Mast-feeding; in some places call'd *Lyf-silver*, and *Leif-silver*.

Dapifer, *A Dapes ferendo*. At first a Domestick Officer, like our Steward of the Household, or rather Clerk of the Kitchen; then by degrees, any Fiduciary Servant, especially the chief Steward, or Head-Bayliff of an Honor, Barony, or Mannor. I think *Dapifer Regis*, is in most of our Records, to be taken for Steward of the King's Household.

Darreine, Is a corruption from the French *Deruier*, i. e. *ultimus*; and we use it in the same sense, as

Darreine Continuance. See *Continuance*.

Darreine Presentment, *Ultima presentatio*. See *Assise of Darreine Presentment*.

Dates, Is the Fruit of the Tree, in Latin call'd *Palmæ*, in English the *Date-Tree*; of which, who will understand the Nature or Diversities, may read *Gerrard's Herbal, lib. 3. cap. 131.* They be numbred among Spices and Drugs to be garbled, 1 Jac. 19.

Datife, or *Datife*, That may be given, or disposed at will and pleasure. — *Whether a Prior shall be Datife, and Removeable, or Perpetual, shall be try'd by the Ordinary. An. 9 Ric. 2. cap. 4. Si Prior Datife & Removeable, suffer Escape, respondeat Superior. 45 Ed. 3. 9, 10.*

Dawath, *Dawata Terra*, A Portion of Land in Scotland fo call'd. — *Apud priores Scotos, one Dawach of Land, quod continet quatuor aratra terre, quorum unumquodque trahitur octo bovis. Skene. — Non fiet taxatio juxta numerum davatarum, seu baroniarum; sed secundum verum valorem bonorum. Statut. David. Reg. Scot. cap. 48.*

Day, *Dies*, Is sometimes us'd in the Law for the Day of Appearance in Court, either originally, or upon Assignment, and sometimes for the Returns of Writs. For Example, *Days in Bank*, be Days set down by Statute, or Order of the Court, when Writs shall be returned, or when the Party shall appear upon the Writ served: —

and of this you may read the Statutes 51 H. 3. cap. 1. 2. *Marl. cap. 12.* 52 H. 3. and 32 H. 8. cap. 21. To be dismissed without Day, is to be finally discharged the Court, *Kitchin, fol. 193.* He had a Day by the Roll, *Id. fol. 197.* that is, he had a Day of Appearance Assigned him. Day, Year, and Wait. See Dies and Year.

Day's Man. In some Northern Parts of England, any Arbitrator, Umpire, or Elected Judge, is commonly term'd a *Deier-man*, or *Days-man*: Which reminds me of what Dr. Hammond well observes, in his Annotation on *Exh. 10. 25.* That the Word Day, in all Idioms, doth signify Judgment. So 1 Cor. 3. 13. *Arbiter noster*, is Human Judgment. And on this occasion, it may not be improper to observe, (because no Notice has been yet taken of so small a matter) that the Addition of Day or Day, to the Dome-book, or *Liber Judicialis*, the General Survey, in Time of *Will. Conq.* was not meant with any Allusion to the Final-Day of Judgment, as most Persons have conceited: For Day does not augment the Sense of the Word, but only doubles, and confirms the same Meaning: I say, The Syllable *dey* or *day*, in that Composition, does not really signify the Measure of Time, but the Administration of Justice. So as *Domesday-Book* is but more Emphatically, the Judicial Decisive Record, the Book of Dooming Judgment, and Decreeing Justice.

Dayeria. The *Dayri*, *Dairy*. It is deriv'd by Dr. Skinner from the Fr. *derriere*, as if the Dairy were on the back part, or behind the rest of the House. The Learned Fr. *Junius* is no more happy, when he refers it to the Greek, *Δαίρη*, & per Syncope, *Δαίρη*. *Hesychio* exponitur *Δαίρη* *μαγειρική*, *guara, perita*. *Non enim ejusvis est curare lacticiam, sed a lacticiis edulis concinnatum singulare rusticarum rerum experientia imbutum esse oportet. Omnia interea huc pertrahit, quod Gallis Dariole dicitur cibi genus, quod isidem Gallis alias nuncupatur, Lacteron, vel Plan de Lait. Ac fortasse quoque, Darnis ab eadem origine, Darere dictum est jentaculum, quod Septentrionalis lacticiis jentare sunt soliti.* Both these Conceits of Skinner and Junius, are trifling Conjectures. And indeed nothing has more exposed the Noble Studies of Etymology, than the Fancies and Flights of some Great Men; who by indulging their Wit, and their Invention, have made such odd and far-fetched Allusions, as nothing but a like Heat of Fancy, could imagine or believe. But to return: The Word *Dairy* or *Dairy*, is originally English, from Day, *Deke*, Saxon *Dag*; and signified at first the daily yield of *Milch-Cows*, or the daily Profit made of them. As a Day-were of Land, was one Day's-ploughing, which the French call'd *Journal*, *Lat. Journal*; and our Mid-land Farmers still call a Journey. So in *Lorraine* and *Champaigne*, they now use the Word *Dayer*, for the meeting of the Day-labouring Women to give an account of their daily Work, and receive the Wages of it. Hence any young Artificer, who assists a Master Workman, is still call'd a *Journee-man*. As a Thresher, Hedger, &c. who works by the Day, is term'd a *Days-man*. And I am apt to think, That the Woman hired by the Day, to help in the Kitchen, &c. usually call'd a *Chair-woman*, is no more than a *Jour-woman*, or *Journe-woman*. A Dairy in the North, is call'd *The Milkness*; as the *Dairy-maid*, is in all parts a *Milk-maid*: She is call'd *Androchia* by *Fleta*, lib. 2. co. 87. *Androchia pudica esse debet, & laboriosa daerix.* — *Compositus Henrici Deye, & Johanna uxoris sue, de omnibus exitibus, & proventus de Dayri Domini Prioris de Burncestro. Paroch. Antiq. p. 548.* — *Comptant de xxxv. solid. vi. den. receptis de dayeria de la Breche, Id. p. 570.*

Daymerr of Land. As much Arable Ground as could be plough'd up in one Day's work, or one Journey, as the Farmers still call it. — *Conformari Abbati & Conventui de Rading, tres acres, & sex-*

decem Daywerre, de terra arabili. Cartular. Rading. MS. fol. 90. a.

Daynigne. — *In manerio de Sciventon, Com. Berk. virgatarum secabant in autumno per tres dies septimane, & tunc quilibet secabit dimidium acre, & vocatur Daynigne. Placit. An. 9 Ed. 1.*

Deadly Feud, is a Profession of an unquenchable Hatred, until we be revenged, even by the Death of our Enemy. It is deriv'd from the German Word *Feud*, which, as *Hottotom* saith, *In verbis Feudalibus, modum bellum, modum capitales inimicitias significat.* This word is us'd 43 *Eliz. cap. 13.*

Dead Wedge, *Mortuum vadum.* See *Mortgage*.

Deafforested, That is, discharged from being *Forest*, or exempt from the *Forest-Laws*, 17 *Car. 1. cap. 16.*

Dean, *Decanus*, Is an Ecclesiastical Magistrate, so call'd of the Greek, *Ἄνα, decem*; because he hath power over Ten Canons at the least: Howbeit in England we use to call him a *Dean*, that is next under the Bishop, and Chief of the Chapter, ordinarily in a Cathedral Church; the rest of the Society, we call *Capitulum*, the Chapter: How diversly this Word is us'd, read *Linwood, ecc. judic. ca. pri. verbo Rural Dean*, where *Deans Rural*, are said to be some that have Jurisdiction Ecclesiastical over other Ministers, and Parishes near adjoining, assign'd unto them by the Bishop and Archdeacon, being placed and displaced by them. As there be two Foundations of Cathedral Churches, the *Old* and the *New*, (the *New* be those which Henry the Eighth, upon Suppression of Abbot, or Prior and Covent, turned to *Dean* and *Chapter*;) so there be two means of creating these *Deans*: For those of the *Old* Foundation are brought to their Dignity much like Bishops, the King first sending out his *Congé d'Esire*, to the Chapter, the Chapter there choosing, the King yielding his Royal Assent, and the Bishop confirming him, and giving his *Mandari* to install him. Those of the *New* Foundation, are by a shorter course Installed, by virtue of the King's Letters Patents, without either Election or Confirmation. This Word is apply'd to divers that are the chief of some peculiar Churches, or Chappels; as *Dean of the King's Chappel*, *Dean of St. Paul's*, *Dean of the Archer*, *Dean of St. George's Chappel in Windsor*, *Dean of Boeking in Essex*, &c. See Mr. Kenner's Glossary, in *Decanus Christianitatis*.

De bene esse, Are common Latin Words, but their Meaning something more dark: As thus, To take or do a thing *de bene esse*, is to allow or accept for the present, till it comes to be more fully examined, and then to stand or fall, according to the merit of the thing, in it's own nature, so that *valeat quantum valere potest.* So in *Chancery*, upon motion for one of the less principal Defendants to be examin'd, the Court sometimes will order it *de bene esse*; that is, he may be examin'd, but so, that upon Hearing, and fully examining the Case, his Deposition may be allow'd, or suppress'd, as the Court shall think fit. See *Langham's Case*, *Cro. 3. par. fol. 68.* So also at Common-Law, the Judges frequently take *Bayl de bene esse*, that is, to be allow'd, or disallow'd upon the Exception, or Approbation of the Plaintiff's Attorney; however in the *Interim*, they have a Well-being, or Conditional Allowance.

Deawarrennata, *Diswarrenned*; when a Warren was broke up, and laid in common. K. Henry III. in a Charter to the Citizens of London, dated 18. Aug. An. Regn. II. grants to them, — *quod tota Warren de Stanes, cum pertin. suis sit dewarrennata, & deafforestata in perpetuum.* — *Placit. temp. Edw. I. & Edw. II. MS. fol. 144.*

Debentur, Was a kind of Writing, given in the late Times of Usurpation, to the Soldier, to secure the Payment of his Arrears; but that is now out of doots. The Word is mention'd in the *Act of Oblivion*, 12 *Car. 2.*

cap. 2. They use *Debenturs* also in the Exchequer. See *Auditor of Receipts*. In the King's House, *Debenturs* are given usually to the King's Servants, for the payment of their Wages, Board-wages, and the like.

Debet & solet, Are Words frequently us'd by the Writers of the Common-Law. For Example, It is said in the *Old Nat. Brev. fol. 98*. This Writ *de feſſa Moleſtina*, being in the *debet & solet*, is a Writ of Right, &c. And again, *fol. 69*. a Writ of *Quod preſtat*, may be pleaded in the County before the Sheriff, and it may be in the *debet* and *solet*, in the *not debet* with the *solet*, according as the Demandant claimeth; wherefore note, That thoſe Writs that be in this fortbrought, have theſe words in them, as formal words, not to be omitted: And according to the Diverſity of the Caſe, both *debet* and *solet*, or *debet* alone: That is, If a Man ſue to recover any Right by a Writ, whereof his Anceſtor was diſſeized by the Tenant, or his Anceſtor, then he uſeth only the word *debet* in his Writ; becauſe *solet* is not fit, by reaſon his Anceſtor was diſſeized, and the Cuſtom diſcontinued: But if he ſue for any thing that is now firſt of all denyed, then he uſeth both theſe words, *debet & solet*; becauſe his Anceſtors before him, and he himſelf uſually enjoyed the thing ſued for, as Suit to a Mill, or Common of Paſture, untill the preſent refusal of the Tenant. The like may be ſaid of *Debet & Detinet*, as appeareth by the *Reg. Orig.* in the Writ *De debito*, *fol. 140*.

Debito, Is a Writ which lyeth, where a Man oweth to another a certain ſum of Money, upon an Obligation, or other Bargain, for any thing ſold unto him, *F. N. B. fol. 119*. This Writ is ſometimes made in the *detinet*, and not in the *debet*, which properly ſalleth out, where a Man oweth an Annuity, or a quantity of Wheat, Barley, or ſuch like, which hereſueth to pay, *Old Nat. Brev. fol. fol. 75*. See before *Debet & Solet*.

Decem tales. See *Tales*.

Decies tantum, Is a Writ that lyeth againſt a Juror, which hath taken Money for the giving of his Verdict; call'd ſo of the Effect, becauſe it is to recover ten times ſo much as he took: It lyeth alſo againſt Embracers, that procure ſuch Enqueſt. *38 E. 3. cap. 13. Reg. Orig. fol. 188. F. N. B. fol. 171. New Book of Entries, verbo Decies tantum*.

Decit, Deceptio, fraud, dolus, Is a ſubtle, wily ſhift, or device, having no other name: Hereto may be drawn all manner of craft, ſubtilty, guile, fraud, whineſs, ſlight, cunning, covin, colluſion, practice, and offence us'd to deceive another Man by any means, which hath none other proper or particular name, but offence, *West. Symb. part. 2. tit. Indictments, ſect. 68*. See *Cosening*.

Decenna, and Decenniers. See *Decenners*.

Decennary, Decennaria, The Limits or Compaſs of ten *Friburghs*. See *Decenners*.

Deceptione, Is a Writ that lyeth properly againſt him, that deceitfully doth any thing in the Name of another, for one that receiveth Damage or Hurt thereby, *F. N. B. fol. 95*. This Writ is either *Original*, or *Judicial*; as appeareth by the *Old Nat. Brev. fol. 50*. where you may read the uſe of both: for ſome Satisfaction, take the Words of that Book; This Writ of *Deceit*, when it is *Original*, lyeth in caſe where *deceit* is us'd by one Man to another, by which *deceit* he may be diſſeized, or otherwiſe evil intreated, as appeareth by the *Register, &c*. And when it is *Judicial*, then it lyeth out of the Rolls of Record; as in caſe where *Scire facias* is ſent to the Sheriff, that he warn a Man to be before the Juſtices at a certain day, and the Sheriff return the Writ ſerved, whereas the ſaid Man was not warned, by which the Party that ſued out the *Scire facias* recovereth; then the Party which ought to have been warned, ſhall have the ſaid Writ againſt the Sheriff. In the *Terms of the Law, verbo Decit*, it is ſaid, That

the *Original Writ of Decit* lyeth, where any *deceit* is done by a Man to another, ſo that that he hath not ſufficiently performed his Bargain, or Promise: In the *Writ Judicial*, he concurrerh with the former Book. See *Reg. Orig. fol. 112*. and the *Regiſt. Judicial*, in the Table, *verbo Deceptione*.

Decimation, Dicimatio, The puniſhing every tenth Souldier by Lot, was term'd *Decimatio Legionis*: It may be ſtretched to ſignifie Tything, or paying the tenth part. There was another fort of *Decimation* in the late Times of Uſurpation, which too many of His Maſteſty's Loyal Subjects have ſo much ſad cauſe to remember, that I need not renew the Memory of it.

Decimis ſolvendis pro Poſſeſſionibus alienigenarum, Is a Writ, or Letters Patents, yet extant in the *Register*, which lay againſt thoſe that had farm'd the *Priors Aliens Lands* of the King's, for the Rector of the Pariſh, to recover his Tythe of them, *Reg. Orig. fol. 179*.

Deciners, alias Decenniers, alias Doſſners, Decennarii, Cometh of the French *Dixaine*, i. e. *Decas*, Ten. It ſignifieth in the ancient Monuments of our Law, ſuch as were wont to have the Overſight and Check of ten *Friburghs*, for the maintenance of the King's Peace; and the Limits or Compaſs of their Jurisdiction was call'd *Decenna*, *Bract. lib. 3. tract. 2. cap. 15*. Of whom you may alſo read *Fleta, lib. 1. cap. 27*. and *Reg. Orig. fol. 98. b*. Theſe ſeemed to have large Authority in the *Saxons* Time, taking cogniſance of Cauſes within their Circuit, and redreſſing Wrongs by way of Judgment; as you may read in the *Laws of King Edward*, ſet out by *Lamb. num. 32*. In later Times mention is made of theſe, as in *Britton, cap. 12*. who ſaith in the King's Perſon (as he writeth his whole Book in that manner) 'We will that all thoſe that be fourteen Years old, ſhall make Oath, That they will be ſufficient and loyal to Us, and that they will neither be Felons, or aſſenting to Felons; and We will that all be *en dozeine & plevis per dozeners*, that is, profeſs themſelves of this or that *dozeine*, and make or offer Surety of their Behaviour, by theſe or thoſe *Dozeniers*, except Religious Perſons, Clerks, Knights, and their Eldeſt Sons, and Women. Yet the ſame Author in his 29 Chapter, toward the end, doth ſay, That all of twelve Years old, and upward, are puniſhable for not coming to the Turn of the Sheriff, except Earls, Prelates, Barons, Religious Perſons, and Women. *Stamf. plac. cor. fol. 37*. out of *Fitzherbert* hath theſe Words, 'The ſame Law is, where the *Dozeniers* make preſentment, that a Felon is taken for Felony, and delivered to the Sheriff, &c. And *Kitchin* out of the *Register*, and *Britton* ſaith thus, Religious Perſons, Clerks, Knights, or Women, ſhall not be *Decenniers*, *fol. 33*. From all which Premises may be gathered, That of later Times, this Word ſignifieth nothing but ſuch a one as by Oath of Loyalty to his Prince, is ſettled in the Combination or Society of a *Dozein*. And a *Dozein* ſeemeth to extend ſo far as every *Leet* extendeth; becauſe in *Leets* only this Oath is miniſtered by the Steward, and taken by ſuch as are twelve Years old, and upward, dwelling within the compaſs of the *Leet*, where they are ſworn, *F. N. B. fol. 161. a*. The particular of this Oath you may read in *Bracton, lib. 3. tract. 2. cap. 1. num. 1*. where he ſetteth down fifteen Years for the Age of thoſe that are ſworn to the King's Peace; but *lib. 3. tract. 2. ca. 1. num. 5*, he nameth twelve Years, ſee *Inlaughe*: From hence we may note the diverſities between the ancient and preſent Times, in this point of Law and Government, as well for the Age of thoſe that are to be ſworn, as alſo that *Decennier* is not now us'd for the chief Man of a *Dozen*, but him that is ſworn to the King's Peace. And laſtly, That now there are no other *Dozens*, but *Leets*; and that no Man ordinarily giveth other Security for

for the keeping of the King's Peace, but his own Oath. And that therefore none answereth for another's Transgression, but every Man for himself. See *Frank Pledge*, and 2 *par. Inst. fol. 37*.

Declaration, Declaratio, Is a shewing in writing the Grief and Complaint of the Demandant or Plaintiff, against the Defendant or Tenant, wherein he is supposed to have received some Wrong. And this ought to be plain and certain, both because it impeaches the Defendant, and also compels him to answer thereto. Such a Declaration in an Action Real, is term'd a *Count*: Note, That the Count or Declaration, ought to contain Demonstration, Declaration, and Conclusion: In Demonstration are contained three things: *Quis queritur, contra quem, & pro qua causa*. In the Declaration there ought to be comprised, *Quomodo inter partes Alio accrevit, quando & qua die, anno & loco, & cui dabitur*. And in the Conclusion, he ought to aver, and profer to prove his Suit, and shew the Damages he has sustained by the Wrong done him. See *Count*.

Decretals, Decretales, Are a Volume of the Canon-Laws, containing the Decrees of sundry Popes; or else a Digest of the Canons of all the Councils, that pertained to one matter, under one Head.

Deedbanna, Sax. Dedbana, An actual Homicide, or Man-slaughter; ex *Dæd, Factum, & bana, Homocida*. — *Qui ad occidendum aliquem innoxium Redbanna, vel Dedbanna, furit concilium noxæ componat inde solus*. Leg. Hen. I. cap. 85. That is, If any one be convicted of the Crime of killing another, either as *Kedehane*, or Accessary by his Counsel, and Perswasion, or as *Dæd-bane*, or Actual and Deed Committer of the Murder, then he shall himself alone Compound for his Fine, or Satisfaction.

Deed, Is a Warranty in Law, to the Feoffee and his Heirs: As it is said in a Feoffment, *A. B. hath given and granted, &c.* It is a Warranty, *Co. on Lit. 384. a.*

Dedication-day, Festum dedicationis. The Wake or Feast of Dedication, kept in every Parish of old, and in some now, with Solemnity and generous Entertainment. Most of the old Annual Fairs were affixed to that Day; and first arose from the conflux of People to that Solemnity. See at large the History of the Institution and Observance of Wakes, or Feasts of Dedication, in Mr. Kenner's *Paroch. Antiq. p. 610*.

Dedimus Potestatem, Is a Writ, whereby a Commission is given to a private Man, for the speeding of some Act appertaining to a Judge. The *Civilians* call it *Delegationem*: And it is granted most commonly upon Suggestion, that the Party which is to do something before a Judge, or in Court, is so feeble, that he cannot travel. It is us'd in divers Cases, as to make a Personal Answer to a Bill in *Chancery*, to make an Attorney for the following of a Suit in the County, Hundred, Wapentake, &c. *Old Nat. Brev. fol. 20*. To levy a Fine, *West. Symb. par. 2. tit. Fines, sect. 112*. and divers other Effects, as you shall see by *F. N. B.* in divers places. In what diversity of Cases this Writ, or Commission is us'd, see in the Table of the *Reg. Orig. verbo Dedimus Potestatem*.

Deeds, Facta, signifie in our Common Law, Writings that contain the Effect of a Contract made between Man and Man, which the *Civilians* call *Literarum Obligationem*: They may be written in Parchment or Paper, but chiefly in Parchment; and to consist of three things, Writing, Sealing, and Delivery. Of these *Deeds* there be two sorts; *Deeds Indented*, and *Deeds Polled*; which Division, *West. in his Symb. par. 1. lib. 1. sect. 46*. saith, Grows from the form or fashion of them, the one being cut in the fashion of *dents* in the top or side, and therefore call'd *indentures*, the other being plain. And the Definition of a *Deed Indented*, he expresseth thus, *sect. 47*. A *Deed Indented*, is a *Deed* consisting of two Parts, or

more, wherein it is express'd, That the Parties to the same *Deed* have to every part thereof interchangeably, or severally set their several Seals. See the rest there, where at last he shews the cause of the Name, viz. for that consisting of more parts, each part is indented, or cut one of them into the other, that by the cut it may appear, they belong to one Business or Contract. A *Deed Polled*, or *Polled*, he describeth thus, *sect. 46*. A *Polled Deed* is a *Deed* consisting that only one of the Parties to the Bargain, hath put his Seal thereto, after the manner there by him described. See also *Termes de la Ley, verbo Fait*.

Deemsters, or Demsters, are a kind of Judges in the Isle of Man, who, without Process, Writings, or any Charge, decide all Controversies there; and they are chosen from among themselves, *Camb. Brit. tit. British Isles*.

Deer-field, A Park, or Deer-fold; Sax. Deor, Fera, & Fald, Stabulum.

Deer-hays. Anno 19 H. 7. cap. 11. makes them to be Nets, or Engines made of Cords, to catch Deer.

De essendo quietum de Colonia, Is a Writ which lyeth for them, which are by Privilege freed from the Payment of Toll; of which read a large *F. N. B. fol. 226*.

De expensis Militum, Is a Writ commanding the Sheriff to levy so much a Day for the Expences of a Knight of the Shire, and a like Writ to levy 2 Shillings a Day for every Citizen and Burgher, call'd *De Expensis Civium & Burghensium*, 4 *Inst. fol. 46*.

De facto, A thing actually done, done in very Deed.

Default, Defalta, Cometh from the French *Default*, and is an Offence in omitting that which we ought to do, *West. Symb. part. 2. tit. Indictment, sect. 2*. Of this *Bracton* hath a large Discourse, *lib. 5. tract. 3*. By whom it appeareth, That a *Default* is most notoriously taken for Non-appearance in Court at a Day assigned. Of this you may read *Fleta, lib. 6. cap. 14*.

Defamation, Desamatio, Is when a Man speaks slanderous words of another Man, of a Court of Justice, Magistracy, or Title of Land; for which the Party shall be punished, according to the nature and quality of the Offence. Sometimes by Action upon the Case for Slander; at other times in the Ecclesiastical Courts; as if a Man contrive any false Lies against Prelates, Dukes, Earls, &c. then an *Actio de Scandalis Magnatum* will lie by the Statute 2 R. 2. cap. 5. But for *Desamations* in the Spiritual Courts to be determined, they ought to have three Incidences. First, To concern matter merely Spiritual, and there tryable; as to call a Man Heretic, Schismatic, Adulterer, &c. Secondly, That it concern matter merely Spiritual. Thirdly, That is only for punishment of the Fault, for the Soul's health of him that offends. For the Slander or *Desamation* of a Title of Lands, see *Co. lib. 4. fol. 18*.

Defeizance, Cometh of the French *Deffaire*, or *Defayr*, that is, *infellum reddere quod factum est*; and signifies a Condition relating to a Deed, as an Obligation, Recognizance, or Statute, which being performed by the Obligor, or Recognisor, the Act is disabled and annulled, as if it had never been done. And the Difference between a Proviso or Condition in Deed, and a *Defeizance*, is this, That a Proviso or Condition is annexed, or inserted in the Deed or Grant, whereas a *Defeizance* is usually a Deed by it self. For the Form and Manner of *Defeizances*, according to the Diversity of the Case, see *West. Symbol. part. 1. lib. 2. sect. 156. & 230, 231*.

Defend, Disindire, Signifies in our ancient Laws and Statutes, as much as to forbid and prohibit, *Leg. Edm. conf. cap. 37. & 5 R. 2. cap. 7*. In the same Sense *Chaucer* uses it in these words,

Where can you say, in any manner Age,
That ever God defended Marriage.

And in 7 E. 1. we have a Statute intituled, *Statutum de defensione portendi arma*, &c. It is defended, that is, forbidden to distrain upon the Highway, Co. on Lit. fol. 161. nay, in common speech Men frequently say, *God defend*, instead of *God forbid*; and the *fence moneth* is more properly the *defence moneth*, that is, the forbidden moneth, or *tempus veritum*, *Manwood's Forest Law*, cap. 13. num. 1. See *fence moneth*.

Defendere se. A Phrase in the Doooms-day Register, to be taxt for such a quantity of Land. As the mannor of Brill. com. Buck. having been rated or assessed at twenty Hides, it is said, — *June xx. hide se defendebant*, Paroch. Antiq. p. 165.

Defendere se per corpus suum. To offer Duel, Combat, or Camp fight, as a legal Trial, or Appeal. The Phrase occurs in *Bracton* l. 3. de corona. cap. 26 32, &c. and many other of our English Writers.

Defence. Is that which the Defendant ought to make immediately after the Count or Declaration made, that is, that he defends all the wrong force and damage, &c. and then to proceed either in his Plea, or to imparle. See more, *Termes de lay Ley*, verba Defence.

Defendant, Defendent. Is he that is sued in an Action personal; as Tenant, is he which is sued in an Action real, *Termes de la Ley*.

Defendendum. Is an ordinary word in a Feoffment or Donation, and hath this force, that it bindeth the Donor and his Heirs to defend the Donee, if any man go about to lay any servitude upon the thing given, other than is contained in the Donation, *Bracton*, lib. 2. cap. 16. num. 10. See also *Warrantizabimus & Acquiescimus*.

Defender of the Faith, Defensor Fidei. Is a peculiar Title given to the King of England by the Pope, as *Catholici* to the King of Spain, and *Christianissimus* to the French King. It was first given by Leo the Tenth, to King Henry the Eighth, for writing against Martin Luther in behalf of the Church of Rome, then accounted *Domicellum fidei Catholice*, *Stow's Annals*, pag. 863. The Bull for it bears Date Quinto Idus, Octob. 1521. and may be read at large in the Lord Herbert's History of Henry the Eighth, fol. 105.

Defensa. A Park, or Place fenced in for Deer, and defended as a property and peculiar for that Use and Service. — *Idem Dux facit inflaurare prædictum parcum de feris Defensæ Leicestrensis*. Henr. Knyghton sub ann. 1352. — *Dux Lancastrie fecit magnam Convocationem magnatum Regni ad tenendum apud Legacetriviam in Foresta ad Defensam, et in omnibus parcis suis ibidem*. ib. sub. ann. 1390.

Defensum. An Inclosure, or any fenced Ground. — *Si Ego meos parcos in parco meo, vel in hays, vel in aliquo alio Defenso posuero*. — Mon. Angl. tom. p. 2. 114.

In Defenso. That part of an open Field that was for Corn and Hay, upon which there was no Commoning or Feeding, was said to be in Defenso. So any Meadow-Ground laid in for Hay. And so any part of a Wood, where the Cattle had not Liberty to run, but was enclosed and fenced up to secure the Growth of the Under-Wood. — *Boscus de Naffoke debet esse in Defenso dum durat pannagium, videlicet a Festo Michaelis ad Festum S. Martini*. Mon. Angl. tom. 3. p. 306.

Defensiva. The Lords or Earls of the Marches, the Wardens or Defenders of the Country. — *Defensivæ locorum seu vice comites locis statuuntur statuta*. Rad. dedictis sub ann. 1153. — *In Marchia principales Defensivæ locorum*, &c. ib. sub ann. 1158.

Deforcement, Deforcementum. A withholding Lands or Tenements by force from the right Owner. See *Mat. Paris*, fol. 422. and Co. on Lit. fol. 331. b. See *Deforceor*.

Deforciant. The same with *Deforceor*, Anno 13. Eliz. cap. 3.

Deforceor, Deforeciator. Cometh of the French *Forceor, expugnator*: In the sense of the Law it signifies one that overcometh, and casteth out by force; and differeth from *Dissessor* first in this, because a man may disseise another without force, which Acts is called *Simple disseisin*, *Britton*, cap. 53. next, because a man may deforce another that never was in possession. As for example, if more have right to Lands as common Heirs, and one entering, keepeth out the rest, the Law saith that he *deforceeth* them, though he do not disseise them. *Old Nat. Brev.* fol. 118. And *Litleton* in his Chapter *Discontinuance*, fol. 117. saith, That he which is inpossed by the Tenant in tail, and put in possession, by keeping out the Heir of him in the Reversion, being dead, doth *deforce* him, though he did not disseise him, because he entred when the Tenant in tail was living, and the Heir had no present Right. And a *Deforceor* differeth from an Intruder, because a man is made an Intruder by a wrongful Entry only into Lands or Tenements void of a Possessor, and a *Deforceor* also is, by holding out the right Heir, as above said, *Bracton*, lib. 4. cap. 1. See more of this in *Polton de pace Regis*, fol. 34. 35.

Defortuario. A Distress, Distraint, or Seizure of Goods for Satisfaction of a lawful Debt. — *Nec heredes nostros distringere possint, per bona mobilia et immobilia & hominum nostrorum & Defortacionem tenere quousque plenarie fuerit satisfactum*. Paroch. Antiq. p. 293.

Se Defendendo. In defending himself, as if one Man assail another, and he which is assailed fly till he come to a River side, or Wall, that hinders him to fly any further, and there he resists the Violence offered to him, and kill the other; this is said to be done *Se defendendo*, and the Law putteth him to sue out his Pardon of course, and punisheth him by forfeiture of Goods, *Bacon's Collections of the Law*.

Degrading. See *Disgrading*.

Deguttrate. To Bast Meat in Roasting by letting Butter, Fat, or Dripping, gutter or run by drops upon it. — *Nec minori tormento vexabuntur, qui veribus transfixi, ad ignem assati Deguttrabantur a demonibus ex metallis liquefactis*. Mat. Pur. sub. ann. 1153.

Deis. The High Table, or upper Table in some English Monasteries was so call'd. — *Priore prædente ad magnam mensam quam Deis appellamus*. *Aditum a d. Mar. Par.* p. 148. Et sciendum quod non permittitur cibus cum pede in Refectorio nisi tantum in majori mensa, quam Deis appellamus. ib.

Dei Judicium. The old Saxon Ordeal was so call'd, because they thought it an appeal to God for the justice of a Cause; and did believe the decision was according to the will and pleasure of divine providence. — *Pieus contradixit suum testimonium de Villanis & vili plebe, & de præpositis qui volunt defendere per sacramentum, aut per Dei judicium, quod ille qui tenuit terram, liber homo fuit*. — *Domesday in Cerdelon*. See *Dr. Brady's Introd.* p. 272.

Delegates. The Stat. 26. H. 8. cap. 19. sayes, Are Commissioners delegated or appointed by the Kings Commission, to sit upon an Appeal to him in the Court of Chancery, and is granted in three Cases. First, When a Sentence is given in any Ecclesiastical Cause by the Archbishop, or his Official. Secondly, When any Sentence is given in any Ecclesiastical Cause in places exempt. Thirdly, When Sentence is given in the Admi-

Admiralty in Suits Civil and Marine, by order of the Civil Law. 4. par. *Inst. fol. 339. Anno 8 Eliz. cap. 5.*

Deliberante. See *Replegiare.*

Delfe, From the Saxon *delpan* to dig; we still retain the word *Delve*, for dig; is a Quarry or Mine where Stone or Coal is digged, *Anno 31. Eliz. 2. cap. 7.* And *Camden* mentions a Charter of *Edward the Fourth*, wherein mention is made of a Mine or *Delfe* of Copper.

Demaine or *Demefine.* *Dominicum*, Is a French word otherwise written *Domaine*, and signifieth *Patrimonium Domini*, as *Hotoman* saith, *In verbis feudalibus, verbo Dominicum*, where by divers Authorities he proveth those Lands to be *Dominicum*, which a man holdeth originally of himself, and those to be *feodum* which he holdeth of a superior Lord. And by the word *Domanius* as *Demanium*, are properly signified the Kings Lands in *France*, appertaining to him in property. In like manner do we use it in *England*, although we have no Land (that of the Crown only excepted) which holdeth not of a superior, for all dependeth either mediately or immediately of the Crown, wherefore no common person hath any *Demaynes* simply understood; For when a man in pleading, would signify his Land to be his own, he saith, That he is or was seized thereof in his *Demayne*, as of Fee, *Lit. lib. 1. c. 1.* whereby he meaneth, that although his Land be to him and his Heirs for ever, yet it is not true *Demayne*, but depending upon a superior Lord, and holding by Service, or Rent in lieu of Service, and by both Service and Rent; yet these words have been used in the Kings Right, 37 H. 8. cap. 16. and 39 El. 22. But the application of this speech to the King and Crown-Land is crept by error and ignorance of the word *Fee*. *Britton, cap. 78.* sheweth, That this word *Demayne* is diversly taken; sometimes more largely, as of Lands and Tenements held for life, &c. and sometimes more strictly, as for such only as are generally held in Fee. This word sometime is used for a distinction between those Lands, that the Lord of the Mannor hath in his own hands, or in the hands of his Lessee, demised upon a Rent, for term of Years or Life, and such other Land appertaining to the said Mannor, which belongeth to Fee or Copy-holders. Howbeit, the Copy hold belonging to any Mannor, is also in the Opinion of many good Lawyers accounted *Demaynes*, *Bratton, lib. 4. tract. 3. cap. 9. num. 5.* saith, *Est autem Dominicum, quod quis habet ad mensuram suam & propriam, sicut sunt Bordlands Anglie, Item dicitur Dominicum Videnagium, quod traditur villanis quod quis tempestive & intempestive sumere possit pro voluntate sua & revocare.* Of this *Fleta* also writeth much after the same manner, *Lib. 5. cap. 5. sect. Dominicum autem.* And the reason why Copy-hold is accounted *Demaynes*, is because they that be Tenants to it, are judged in Law to have no other Right, but at the will of the Lord; so that it is reputed still after a sort to be in the Lords hands. And yet in common speech, that is ordinarily called *Demeans*, that is, neither Free nor Copy. And here note, That *Demayne* is sometime used in a more special signification, and is opposite to *Frank Fee*. For example, Those Lands which were in the possession of *Edward the Confessor*, are called *ancient Demaine*, and others he called *Frank Fee*, *Kitchin, fol. 93.* And the Tenants which hold any of those Lands he called Tenants in *ancient Demaine*, the other Tenants in *Frank-Fee*, *Kitchin, ubi supra.* And also Tenants of the Common Law, *West. Symbol. part. 2. tit. Fines, sect. 25.* The reason is, because Tenants in *ancient Demain* cannot be sued out of the Lords Court, *Termes de lay Ley, verbo Ancient Demaine.* And such Tenants, though they hold all by the *Verge*, and have none other Evidence, but Copy of Court-Roll, yet are

they said to have *Free-hold*, *Kitchin 81.* See *Ancient Demefine.* See more on this Subject in the learned *Spelman, verbo Domini cum.*

Demaine part of an Abbot, Seems to be that *Cart*, which the Abbot useth upon his own *Demaine*, *Anno 6. H. 3. cap. 21.*

Demand, *Posulatio*, signifies a calling upon a Man for any thing due. It hath also a more proper meaning distinguished from *Plaint*; for all civil Actions are pursued either by *Demands* or *Plaints*, and the Pursuer is called *Demandant* or *Plaintiff*, viz. *Demandant* in Actions real, and *Plaintiff* in personal. If a man release to another all demands, this is the best Release can be given, and shall enture most to his advantage that hath it, *Lit. fol. 117. a.* There are two manner of *Demands*, one in *Deed*, another in *Law*; In *Deed*, as in every *Præcipe* there is express *Demand*: In *Law*, as every Entry in Land, Distress for Rent, and such like acts are demands in Law. See more concerning Release of all *Demands*, *Co lib. 8. fol. 153, 154.*

Demandant, *Petens*, Is the Plaintiff in a real Action so called, because he demandeth Lands, &c. *Co. on Lit. fol. 127.*

Demphyague. See *Hague* and *Haguebuz.*

Demise, *Dimissio*, Is applied to an Estate either in Fee-simple, Fee-tail, or for term of Life, and so it is commonly taken in many Writs, 2. par. *Inst. fol. 483.* The Kings death is in Law termed, *The demise of the King.*

Demisters. See *Decesters.*

Demurrer, In Latin *Demorare*, Cometh of the French word *Demurer*, that is *manere in aliquo loco.* It signifies in our Common-Law a kind of pause upon a point of difficulty in any Action, and used substantively; for in every Action the Controversie consisteth either in the Fact, or in the Law; if in the Fact, that is tried by the Jury; if in the Law, then is the Case plain to the Judge, or so hard and rare, that it breedeth just doubt: I call that plain to the Judge, wherein he is assured of the Law, though perhaps the Party and his Counsel yield not to it, and in such case the Judge, with his Associates, proceedeth to Judgment without farther work; but when it is doubtful to him and his Associates, there is then a stay made, and time taken, either for the Court to consider further of it, and to agree if they can; or else for all the Justices to meet together in the Exchequer Chamber, and upon hearing of that, the Counsels shall stay on both parts to advise, and set down what is Law; and whatsoever they conclude, standeth firm without farther remedy, *Smith de Repub. Angl. lib. 2. cap. 13.* In Chancery the Defendant demurs to the Plaintiffs Bills averring it to be defective in such or such a point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other answer thereunto. &c. See *Moratur in Lega.*

Demy sangue ou *Sanguine*, Of the half Blood, is, when the Man marries a Wife, and hath Issue by her a Son or a Daughter, and the Wife dies, and then he takes another Woman, and hath by her also a Son or Daughter; now these two Sons or Daughters are after a sort Brothers or Sisters, as we usually term them *half Brothers*, &c. or *Brothers of the half Blood*, because they had both one Father; but are not Brothers by the Mothers side, as having several Mothers, and therefore cannot be Heirs one to another, for he that shall Claim as Heir to one by Descent, must be of the whole Blood to him from whom he claims.

Den et Strond. Liberty for Ships or Vessels to run a Ground, or come a Shoar. *K. Edw. 1.* grants this Privilege to the Barons of the Cinque Ports. — *Quid sint Wrecstry & Wyssstry & Lefingstry & Lom.*

Lentaffrey & quod habeant Den et Strond apud Gerne-muth. — *Placit. temp. Ed. 1. et Ed. 2. Ms. 4to. pen-nes Dom. Fontaines ex Aede Christi Oxon.*

Denariata terræ. See *Farding-deal of Land.*

Denarius. *Precium rei quæ Denario constat.* I have read also *Denariatus annui redditus.*

Dena terræ. A hollow place between two Hills; you may find it in the beginning of *Doomsday Book.*

De Silva ætæ dene parvæ & tres magnæ. Domestici. — una parva dena Sylvæ. ib. *Dederunt Abbati terram viginti aratrarum & xiii. Dennas glandes por-tantes.* Will. Thorne sub ann. 816. Sax. den, A low place, which gives termination to very many names of Places, especially among the Woods, as in the *Woods of Kent, Lutterden, Biddenden, &c.* In some North parts of England they keep the Word *Dene* for a Vally, as in the Bishoprick of Durham, they say *Skarres and Denes*, i. e. Hills and Vales.

Denarii. A general Term for any sort of pecunia numerata, or ready Money. — *Solventur Hominibus de Heddingdon de denariis Domini singulis annis proximo die quo falcare incipient quinq. solidi. Paroch. Antiqu. p. 320.*

Denarius tertius Comitatus. In the Fines and other Profits arising from the County Courts, two Parts were reserv'd to the King, and a third Part or Penny to the Earl of the County, who either receiv'd it in *Specie* at the Assizes and Trials, or had an equivalent composition paid from the Exchequer. So *Eubulo le Strange* in right of his Wife *Alice* Daughter and Heir of *Henry de Lucy* Earl of Lincoln had by Letters Patent. *Dat. 5. Ed. 3. Custodiam & Wardam castelli nostri de Lincoln cum balliva ibidem & viginti liberatæ annui redditus, pro tertio denario Comitatus Paroch. Antiquit. 418.*

Denarius Dei. God's Penny, Arles or Earnest Money. — *Ita quod neuter Mercatorum ab illo contractu possit discedere vel resilire, postquam Denarius Dei inter principales personas contrahentes datus fuerit & receptus.* Cart. 31 Ed. 1. M. 4. See *Argentum Dei.*

The occasion of this Earnest Money being called *God's Penny, Denarius Dei*, was this, In former times the piece of Money so given to seal the Contract was given to God, i. e. to the Church or the Poor, but the pious use is now gone.

Denarii de Caritate. Whitson Farthings, or Pentecostals, the customary Oblations made to the Cathedral Church about the time of Pentecost, when the Parish Priests and many of their People went in procession to visit their Mother Church. This custom of voluntary Honour was afterward changed into a settled Due, and commonly charg'd upon the Parish Priest; tho at first but a Gift of Charity (*Denarii de Caritate*) or elemosynary Present to help maintain and adorn the Bishop's See or Cathedral Church. — *Es sales, quod denarius S. Petri & denarios de caritate persolvant, quas ballivus persolvere consueverunt.* Cartular. Abbat. Glou. M. f. 15.

Denarius S. Petri. Peter-Pence. See *Renset.*

Denbera. A Place for the running of Hogs, a Swine cumb, or low Valley for the Fannage or Feeding Swine. From the Sax. *Den*, a Vale, and *Berg* a Barrow, a Hog. In a Charter of *K. Ethelred* granting the Mannor of *Merham* to the Church of *Canterbury* — *Hæc sunt Pasca porcorum qua nostra Lingua Saxonica Denbera nominamus.* — And in a Charter of *K. Offa* to the said Church, — *adjectis Denberis in communi saltu.* — See *Sommer of Rom. Ports and Ports*, p. 110.

Dene, Dena. In the same Book signifies a Dale.

Drunc, In the same Book stands for a Town.

Denelage, Denelagia, Is the Law that the Danes made here in *England*, out of which, and *Merchenlage* and *West Saxon-lage*, the Conqueror compounded certain Ordinances for his Subjects, *Camd. Brit. pag. 94. & 183.*

Denizen, From the French *Donaison*, i. *Donatio*, signifies in Law an Alien that is enfranchised by the Kings Charter, and inabled in all respects almost to do as the Kings native Subjects do, viz. to purchase and to possess Lands, and to be capable of any Office or Dignity; yet it is short of Naturalization, because a stranger naturalized, may inherit Lands by Descent, which a Man made only a *Denizen* cannot. And in the Charter, whereby a Man is made *Denizen*, there is commonly contained some one Clause or other, that abridgeth him of that full benefit which natural Subjects do enjoy. And when a man is thus enfranchised, he is said to be under the Kings protection, or *esse ad fidem Regis Angliæ*, before which time he can enjoy nothing in *England*, *Bract. lib. 5. tract. 5. cap. 25. mm. 3.* Nay he and his Goods might be seized to the Kings Use, *Horne* in his *Mirror of Justice*, lib. 1. cap. de la *Venue de francpledge*, and 2. par. *Inst. fol. 741.* See also the Statute 27 H. 8. cap. 24. and *Co. lib. 7. Calvin's Case.* It seems that *Donais* is the right name so called, because his Legitimation proceeds ex *donatione Regis*, from the Kings Gift.

Densfiring of Land. To cast Parings of Earth, Turf, and Stubble into heaps, and when dried to burn them into Ashes, for a Compost on poor barren Land. This Method of Improvement is call'd *Burn-beating*, and in some parts of *Staffordshire* they term it *Densfiring of Land.*

De non Residentia Clerici Regis, Is an antient Writ, whereof see the form in 2. par. *Inst. fol. 614.*

Deodand. *Deodandum*, Is a thing given or rather forfeited, as it were, to God, for the pacification of his Wrath, in case of Misadventure, whereby any Christian man cometh to a violent end, without the fault of any reasonable Creature. For example, If a Horse should strike his Keeper, and so kill him: If a man in driving a Cart, and seeking to redress any thing about it, should so fall as the Cart-wheel running over him, should kill him: If one should be felling a Tree, and giving warning to company by, when the Tree were near falling, to look to themselves, and any of them should be slain nevertheless by the fall of the Tree. In the first of these Cases, the Horse; in the second, the Cart-wheel, Cart and Horses; and in the third, the Tree, is to be a *Deodand*, that is, given to God; that is, to be sold and distributed to the Poor, for an Expiation of that dreadful Event, though effected by unreasonable, yea senseless and inanimate Creatures, *Stamf. pl. tor. lib. 1. cap. 2. Bract. lib. 3. tract. 2. cap. 5. Britton, cap. 7. and West. Symbol. tit. Indictments, fol. 49. Fleta, lib. 1. cap. 25. verbo de Submersis*, saith, That this is sold, and the price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful People departed this Life; which Law is in imitation of that in *Exodus*, chap. 21. See *Coke, lib. 5. fol. 110.* and *Plowden Com. fol. 260. b.*

Omnia quæ movent ad mortem sunt Deodanda
What moves to death, we understand
Is seised as a Deodand.

This word is mentioned in the Statute de *Officio Coronatoris*. 4 E. 1. See 3. par. *Inst. fol. 37.*

De deoneranda pro rata portione, Is a Writ that lyeth, where one is diffracted for a Rent that ought to be paid by others proportionably with him. For example, A man holds ten Ox-gangs of Land by Fealty,

and ten shillings Rent of the King, and alienateth one Ox-gange to one, another to another in Fee: afterward the Sheriff, or other Officer cometh and distraineth only one of them for the Rent; he that is distrained may have this Writ for his help, *F. N. B. fol. 234.*

Departure or **Departure**, From a Plea, or Matter, is where a man pleads a Plea in bar of an Action, and being replied thereunto, doth in his Rejoinder shew another matter contrary to his first Plea, that is called a *Departure from his bar*, *Plowd. Com. fol. 7. 8. Reniger and Figgass's Case*. It may also be applied to a Plaintiff, who in his Replication shews new matter from his Declaration, *Co. 2. par. fol. 147. Bagshawes Case*. So if a Man plead a general Agreement in Bar, and in his Rejoinder alledge a special one; this shall be adjudged a *Departure* in pleading. So in Trespass, if the Defendant will plead a Discent, and the Plaintiff that after this the Defendant enfeoffed him; and the Defendant saith, this Feoffment was upon condition for the breath whereof he entered: This is a *Departure*, for it is new matter. Of this, see divers Examples in *Broke, tit. Departure de son plea*.

Departure in despite of the Court, Is, when a Tenant or Defendant appears to an Action and hath a day over in the same Term, or is called after, though he had no day given him, so that it be in the same Term; if he do not appear, but make Default, it is a *Departure in despite of the Court*, and therefore he shall be condemned. And here observe, That *Departure in despite of the Court*, is always on the part of the Tenant or Defendant, and the entry thereof is, *Quod Predictus A. licet solenniter exaltus non veniens sed in contemptum curia recessit & defaultum fecit*: And this is when in judgment of the Law he is present in Court, and being demanded, *departs in despite of the Court*. This amounts to a Bar in respect of the *despite* and contempt of the Court. See *Co. lib. 8. fol. 62.*

To Depart, To Divide or Separate actively. *This Hill departed the Land of the Ammonites from that of the Amorites. Bat upon Bar. lib. 14. cap. 13.* Men that divide and depart Fields, *ib. cap. 50.* So in *Wichliffe's Translat. Gen. 1. 4. Depart the light from Darkness*. And it was in that Age properly expressed in our old Office of Matrimony, *till death us depart*, now more intelligible to the vulgar, *till death us do part*. Hence the *Deporters of Gold and Silver* were no more than the *Dividers and Refiners of those Metals*.

Deporters of Gold and Silver, See *Finers*.

Depopulation, Depopulation, Is the laying waste, destroying, and unpeopling of a place *Co. 12. Rep. fol. 30.* This is now the apparent effect of Enclosing Lordships and Mannors, by which means several good old populous Villages have been reduced from a great number of sufficient Farms, to a few Cottages.

Depopulators agrorum, Were great Offenders by the Common-Law, as appears by the Statute 4 H. 4. 2 and were called *Depopulators agrorum*, because by prostrating and ruining of Houses they seemed to *depopulate* Towns, that is, leave them without Inhabitants, 3. par. *Infl. fol. 204.* See also 13 El. 10. and 14 El. 11.

Deposition, Depositis, Is the Testimony of a Witness set down in writing by way of answer to interrogatories exhibited in Chancery, where such Witness is called a *Depositor*. *Deposition* is also sometimes used for death, as in *Provin. Ang. lib. 2. tit. de Ferris*; Where it is said, *Ordinamus quod festum Depositionis sancti Johannis de Beverlaco celebretur, &c. 7. die Maij.*

Deprivation, Deprivatio, Is a bereaving or taking away, as when a Bishop, Parson, Vicar or Prebend, is deprived or deposed from his Preferment for any matter in Fact or in Law; as if a Schismatick, or meer Lay-man, be presented, admitted, instituted and inducted; this is good cause of *Deprivation*. See other Causes of *Deprivation*, 13 Eliz. cap. 12. 21 H. 8. cap. 13. See also 2 & 3 E. 6. cap. 20. *Deprivation of Bishops and Deans*, 39 Eliz. cap. 8. See also *Co. lib. 4. fol. 76. and lib. 7. 43. b.*

Deputy, Is he that exercises in another mans Right, either Office or other things; and his Forfeiture or Misdemeanor shall cause the Officer, or him whose Deputy he is to lose his Office: But a man cannot make his Deputy in all Cases, except the Grant so be, as if it be with these, or such like words, *To exercise and use by himself, or his sufficient Deputy*, Or if the words go farther, *To himself, or his Deputy, or the Deputy of his Deputy*. Then he may make his Deputy, and his Deputy also may make a Deputy, or else not. As if the Office of a Parkership be granted to one, he cannot grant this over to another, because it is an Office of Trust and Confidence, and shall not be forfeited. And there is great difference between a Deputy and Assignee of an Office, for an Assignee hath an interest in the Office it self, and doth all things in his own Name; for whom his Grantor shall not answer, unless in special cases. But a Deputy hath not any interest in the Office, but is only the shadow of the Officer, in whose Name he doth all things. And where an Officer hath power to make Assigns, he may implicitly make *Deputies*, for *qui licet quod majus est, non debet quod minus est non licere*. And a Sheriff may make a Deputy, or Under-sheriff, although he have not such express words in his Patent.

De quibus sur dissei, Is a Writ of Entry. See *Fitzh. Nat. Brev. fol. 191.*

Devoatione Parlamenti, Is a Writ for recalling a Parliament, as in 5 Edw. 3. the Parliament being summoned, was recalled by such a Writ before it met. See *Primis Animad. on the 4th Institut.*

Deraigne or Dereyne, *Disrationare vel dirationare*, May seem to come of the French *Disarroyer*, id est, *confundere*, to confound or disorder, or *desfranger*, to put in disorder; or of the Norman word *Disfrere*, which signifies nothing but a proof of the denial of a man's own Fact. In our Common-Law it is used diversly. First generally, To prove, as *Dirationabit jussum heres propinquior*, *Glanville, lib. 2. cap. 6.* And *habeo probos homines, qui hoc viderunt & audierunt & parati sunt hoc dirationare*, *Id. lib. 4. cap. 6.* And *dirationavit terram illam in curia mea*, *Id. lib. 2. cap. 20.* he proved that Land to be his own, &c. And *pertinentiam eam dirationavit in vita sua vel alio modo juste perquisivit*, *Id. lib. 6. cap. 12.* And *Bracton* useth it after the same sort, in these words *Habeo sufficientem dirationationem & probationem*, *Lib. 4. tract. 6. cap. 16.* And so he useth *Dirationare*, *Lib. 4. cap. 22.* And so in *Westm. 2. 13 E. 1. cap. 32.* And to *derayne* the Warranty, *Old. Nat. Brev. fol. 146.* And to *derayne* the Warranty Paramount, 21 H. 3. cap. 1. And *deraigner le Warranty* in *Plowden, Basset's Case*, in fine 2. partis fol. 6. 7. 8. hath the same signification. So it is used, *Westm. 2. cap. 5. 13 E. 1.* in these words. And when the Parson of any Church is disturbed, to demand Tythes in the next Parish by a Writ of *Indisavit*; the Patron of the Parson so disturbed, shall have a Writ to demand the Advowson of the Tythes, being in demand; and when it is *deraigned*, then shall the Plea pass in the Court-Christan as far as the same is *derayned* in the Kings Court. *Bract. also Lib. tract. 2. cap. 3. num. 1.* speaking of him that appealeth another

for any Treason or Felony, hath these words, *Proponat accusari apellum suum in hunc modum, sc. debet dicere se interfuisse & vidisse certa loco, certa die, certa hora, & scivisse ipsam accusatum prolocutum fuisse mortem Regis vel seditionem suam, vel exercitum sui, vel consanguineum, vel auxilium & consilium impendisse, vel ad hoc autoritatem prastitisse, & hoc ego iuxta considerationem curia diffinitione paratus sum.* He useth it likewise as the Normans use *Disfranchism*. For him that offendeth to justify his denial, as *Lib. 3 tract. 2. cap. 28. num. 1.* in these words, *Rex consilio Episcoporum & bonorum misit propter civitatem, ut statuto die veniret ad curiam, ad diffinitionem vel defendendum se si possit.* Lastly, in some places the Substantive *Detainment* is found used in the very literal signification of the French *Devoier* or *Disfrancher*, that is, turning out of Courfe, as *detainment* or departure out of Religion. *31 H. 8. c. 6.* and *detachment* or discharge of their Profession, *33 H. 8. 29.* which is spoken of those religious men which forsook their Orders, or Profession, as also *5 & 6 E. 6. cap. 13.* So doth *Kitchin* use the word, *fol. 152.* saying, *The Lessee entred into Religion, and afterward is deraigned.* And *Britton* hath these words, *Semoune diffrenable*, for a Summons that may be challenged as defective, or not lawfully made, *cap. 21.* Of this you may read more in *Shent de verb. Signif. verba* *Diffrenatione*, where he confoundeth it with our waging and making of Law.

Detachment. *Detachare.* By Writ of *Detachment* or other course of Law to seize or take into Custody another's Goods or Person.

Detinue. *Detinendo.* Is a Writ that lyeth against him, who having Goods or Chattels deliver'd him to keep, refuseth to deliver them again. See of this *F. N. B. fol. 128.* To this is answerable in some sort, *Actio depositi* in the Civil-Law. And he taketh his Action of *Detinue*, that intendeth to recover the thing delivered, and not the Damages sustained by the *Detinue*. *Kitchin. fol. 176.* See the *New Book of Entries, verbo Detinue.*

Descent. See *Discent.*

Detinet. See *Debito & debet.*

De son Tort de mesme. Seem to be certain words of form in an Action of Trespass, used by way of Reply to the Plea of the Defendant: For example *A. sueth B. in an Action of Trespass, B. answers for himself, That he did that which A. calleth a Trespass, by the Commandment of C. his Master. A. saith again, That B. did it De son tort de mesme sans ceo que C. luy commanda, modo & forma, &c.*

Debt or Det. Is a Writ that lies, where any sum of Money is due to a man by reason of Account, Bargain, Contract, Obligation, or other Specialty, to be paid at a certain day, which is not paid, then he shall have this Writ; but Action of *Debt* will not lie for Money due to a Lord by his Tenant for any Rent-service, but he must disfranch for it. So for Rent-charge or Rent-seck, which any man hath for Life, in Tail, or in Fee; he shall not have any Action of *Debt* as long as the Rent continues, but his Executors may have an Action of *Debt* for the Arrearages due in the life of their Testator, by the Stat. *32 H. 8. cap. 37.* See more *Co. lib. 2. 147.*

Devaditatus. Without Sureties or Pledges. — *Si homo in villa delinquit & Devaditatus fuerit nil inde habet Propositus Regis.* Domesday tit. Sudrei.

Debetaverunt bona restorare. Is a Writ lying against Executors, for paying Legacies and Debts without Specialty, to the prejudice of the Creditors that have Specialties, before the Debts upon the said Specialties be due: For in this case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or without cause, for such irregular

and illegal Payments are accounted in Law a wasting of the Goods of the Testator, as much as if they had given them away without cause, or sold them, and converted them to their own use. See *Dyer, fol. 232. pla. 5.* And also the Office of Executors, *cap. 12.*

Debenerunt. Is a Writ directed to the Escheator, when any of the Kings Tenants holding in *Capite* dies, and when his Son and Heir within age, and in the King's Custody, dies, then shall this Writ go forth, commanding the Escheator, that by the Oaths of twelve good and lawful Men he inquire what Lands or Tenements, by the death of the Tenant, come to the King. See *Dyer, fol. 360. pla. 4.* But see the Stat. *12. Car. 2. cap. 24.* and *14. Car. 2. cap. 11.*

Debest. (*Devefter*) Is contrary to *Invest*; for as *Investire* signifies possessionem tradere, so *Devestere* is possessionem auferre, *Feud. lib. 1. cap. 7.*

Devise, or Divise. Cometh of the French *Diviser*, *separare*, or *Deviser*, to confer with. This word is properly attributed in the Common Law, to him that bequeaths his Lands or Goods by his last Will and Testament in writing, and he is called the *Devisor*. And here we are to observe, That the Laws of the Realm, and the Judges thereof, favour Wills and Testaments, and *Devisees*, in yielding to them such a reasonable Construction as they think might best agree with the mind of the Deceased, and are more favourably interpreted in Wills than in Deeds: We will set down some few examples, as if one devise to *J. S.* by his Will all his Lands and Tenements, here not only all those Lands that he hath in possession, but all those that he hath in Reversion, by virtue of the word *Tenements* pass. Again, if Lands be devised to a Man, to have to him for ever, or to have to him and his assigns; in these two cases the *Devisee* shall have a Fee simple: But if it be given by Feoffment in such manner, he hath but an Estate for term of Life. — If one devise to an Infant in ventre matris sue, it is a good devise; but otherwise by Feoffment, Grant or Gift: for in those cases there ought to be one of ability to take presently, or otherwise it is void. See *14. Eliz. Dyer 304.* and *Co. on Lit. fol. 111.* And this favourable allowance to Wills even the Heathens observed, as appears by these Verses.

*Sed legum servanda fides; suprema voluntas
Quod mandat, fieri; jubet, parere necesse est.*

*Laws must be reverenc'd; and what ere is laid
Upon us by a Will must be obey'd.*

Devifere. The word is used in Domesday Book. tit. *Hereford.* in the same Sense of devising by Will. *Siquis morte preventus non devifisset qua sua erant, Rex habebit omnem ejus pecuniam.*

Devopies of Cales. Is as much to say as a Duty. It is used in the State of *2 R. 2. Sar. 1. cap. 3.* and *5 R. 2. Stat. 2. cap. 2.* where it signifies the Customs brought to, or carried out from *Cales*, while our Staple remained there. See *34 E. 3. cap. 18.* paying their Customs and *Devopies* to the King.

Devoire alias Divoirc. *Divortium.* Is with our Common Lawyers accounted that separation between two, *desahe* married together, which is, a *Vinculo matrimonii*, non solum a mensa sed & a Thoro, and therefore the Woman so divorced received all again that she brought with her. This is not but only upon a Nullity of the Marriage, upon some essential Impediment, as Consanguinity or Affinity within the Degrees forbidden; Pre-contract, Impotency, or such like, of which Divines reckon Fourteen, according to these Verses.

Error, Condicio, Votum, Cognatio, Crimen,
Cultus, Disparitas, Via, Ordo, Ligamen, Honestas,
Si sit affinis; si forte, caire nequibus;
Si Parochi & duplici desit presentia testis,
Raptus sit mulier, &c.

For all these, see Co. lib. 6. fol. 66, Co. lib. 5. fol. 98. 19. Lib. Aff. Pl. 2. Co. lib. 7. Kenne's Case. And Co. on Lit. fol. 235. In the old Law, the Woman divorced, was to have of her Husband a writing, which was called a Bill of Divorce.

Portratus. Willielmus de Breoula dedit Regi tres dextrarios quingue Chacuros, & viginti quatuor singulos pro habenda seifina castrorum de Grosmanth Skenesith & Clanteli. Rot. Cart. in turr. Lond. de Anno 7 Joh. n. 38. That is three light Horses or Horses for the great Saddle, from the Fr. *Destrier*, which signifies a Horse for Service.

Deynotti Canes. Willielmus Couch tenet duas carrucas terra de Domino Rege apud Benham com. Berk per seriantiam custodiendi unam mentam Deyne Storum Canum, ad custum Domini Regis, Ann. 12 Ed 1.

Tenures. p. 38.

Diafer. Diaper, or Linnen variegated in the Weaving. — Henricus Abbas Glaston. tempore Regis Henr. 1. isti Ecclesie contulit ornamenta satis pretiosa, videl. pallas novum optimas, quarum quidam erant de Diafero, quedam de samito. — Chartular Abbat. Glaston. MS. f. 12.

Dica. A Tally for Accounts by number of Tailles, Cuts, Marks, or Notches. — Et prater hoc debet Magister Marischalcie habere Dica de donis & liberationibus qua fuerint de thesauro Regis, & de sua camera, & debet habere Dica contra omnes officiales Regis ut testes per omnia. Lib. 6. Rub. Seacc. Angl. f. 30.

— Institutum est ut diligenter per Dicam notetur quantum ex omni genere bladi vel leguminis expenditur in semine. — Dica illa dividitur in duo & una pars deputabitur custodie Hospitalis Fratris — altera Grangiariorum. Statut. ord. de Sempingham. p. 748.

Dicker of Leather. Is a quantity consisting of ten Hides: The name may seem to come from the Greek *Nex*, which something resembles the Latin word *Decem*.

Dicra ferri. A quantity of Iron consisting possibly of ten Bars. — T. R. E. reddebat civitas de Gloucestre xxxvi Libr. numeratas, & xii. sextaria mellis ad mensuram Burgi, & xxxvi. Dicras ferri, & centum virgas ferreas duces ad clavos navium Regis, & quasdam alias minutas consuetudines in Aula & in camera Regis. — Lib. Domestice Glocest.

Ditum de Kenelworth. Was an Edict between Henry the Third and his Barons, so called, because it was made at Kenelworth Castle in Warwickshire, 51 H. 3. containing a Composition of those who had forfeited their Estates in that Rebellion.

Dicm clausit extremum. Is a Writ that lyeth for the Heir of him that holdeth Land of the King, either by Knights-service or Socage, and dyeth, be he under or at full age, directed to the Escheator of the County, to inquire of what Estate the Party dyed seised, and who is next Heir to him, and of what value the Land is. The form whereof, and other circumstances, you may read in F. N. B. fol. 251.

Dper. Was a learned Lawyeer, and Lord chief Justice of the Common-Pleas in Queen Elizabeth's time, who writ a Book of great account, called his Commentaries or Reports.

Dies. There are four sorts of Days, A day natural, and so the Scripture saith, The Evening and the Morning made the first day. 2. A day artificial, and that

is a crepusculo matutino usque ad crepusculum vespertinum. 3. Dies astrologicus, an Astrological day from Sun to Sun. 4. A legal day, and that is of two sorts, 1. Dies Juridicus. And 2. Dies non Juridicus. Dies Juridici are all days in Bank, Continuance, Effoin-days, and other days given in Term to the Parties in Court. Dies non Juridici are all Sundays in the year, besides, in the several Terms particular days; as in Easter Term, festum ascensionis Domini; in Trinity Term, festum sancti Johannis Baptiste; in Michaelmas Term, festum omnium Sanctorum, & festum omnium animarum; and in Hilary Term, festum Purificationis beate Marie Virginis. And this was the ancient Law of England, and yet in use, 2. par. Inst. 264.

Dies. One day Entertainment, Form, or Reception. — reddet unam diem de firma, & valebat 95. Libr. & 6. denar. Domestici, where there be many other Fee Farm Rents, as we may call may them, reserved to the King in so many Days or Nights Provision.

Dies datus. Is a Respite given to the Tenant or Defendant by the Court, Broke, viz. Continuance.

Dies Parchue. The day of Congress or meeting between the English and Scotch, appointed annually to be held on the Marches or Borders, to adjust all differences, and preserve the Articles of Peace. — Dux Lancastrie — pro Die Marchie (prouit Moris est) tenenda inter Anglos & Scotos annis singulis, in partes concesserat borcales. Tho. Walsingham in Ric. 2. p. 278. Convenerunt ad Diem Marchie, & conventum factum inter eos pro commodo pacis, &c. lb. p. 307.

Diet. A Days-work. — Per servitium metendi bladum Domini per tres Dietas in Autumno ad cibum ipsius Domini. ad primam dietam per quatuor homines, &c. Cartular. Rading. MS. pag. penult.

Dietia rationabilis. Is used in Bracton for a reasonable Days-Journey, Lib. 3. part. 2. cap. 16. It hath in the Civil Law divers other significations not needful here to be set down, v. vocab. Utriusque juris.

Dignitaries, Dignitarii. Are such as are advanced to any Ecclesiastical Promotion, as Dean, Archdeacon, Prebendary, &c. 3. par. Inst. fol. 155.

Dignity Ecclesiastical, Dignitas Ecclesiastica. Is mentioned in the Statute 26 H. 8. cap. 3. and by the Canonists defined to be administratio cum jurisdictione & potestate aliqua conjuncta, Gloss in cap. 1. de consuet. in sexto, whereof you may read divers Examples in Duarenus de sacris Eccl. minister. & Benefic. lib. 2. cap. 6.

Dilapidation, Dilapsatio. A wasteful destroying, or letting of Building run to ruine and decay, for want of Reparation, 13 Eliz. cap. 13. and the Money recovered for Dilapidations shall be employed in the repair of the same Houses, 14 Ed. 11.

Dilligout. Portage formerly made for the King's Table on his Coronation Day. — Robertus Agyllon tenet unam carucatam terram in Adington in com. Surre. per seriantiam faciendi unum ferculum in villa lutea in coquina Domini Regis die coronationis sue & vocatur Dilligout, 39 H. 3. — of Tenur. p. 1.

Dimidietatem. The Moity or one half. — Sciatis quod Ego Matilda Filia Willielmi I. Francie dedit — Waltero de Stetton Dimidietatem illius Burgagii, &c. sine dat. Ex Libro Cart. Priorat. de Leominstre.

Dioces, Diocesis. A Greek word compounded of *dia* and *ekchos*, and signifieth with us the Circuit of every Bishops Jurisdiction; for this Realm hath two sorts of Division, one into Shires or Counties, in respect of Temporal Policy; the other into Dioceses, in respect of Jurisdiction Ecclesiastical, of which last we reckon in England two and twenty, besides four in Wales.

Dieu son att. these are words oftentimes used in our Law; and it is a Maxime, that the *Act* of God shall prejudice no Man: And therefore if a House be beaten down by Tempest, or rather *Act* of God, the Lessee for Life or Years shall not only be quit in an Action of Wast brought against him, but hath by the Law a special interest to take Timber to build the House again, if he will for his Habitation, *Co. lib. 4. 63. & lib. 11. 82. a.* So, when the Condition of an Obligation consists in two parts in the Disjunctive, and both are possible at the time of the Obligation made, and afterwards one of them becomes impossible by the *Act* of God; the Obligor is not bound to perform the other part, for the Condition shall be taken beneficially for him, *Co. lib. 5. 22.*

Diminution. See *Hague*.

Dimissory Letters. When a Candidate for Holy Orders has a tide in one Diocese, and is to be ordained in another: the proper Diocesan gives his Letters Dimissory directed to some other ordaining Bishop, giving leave that the Bearer may be ordain'd to such a Cure within his District.

Dinarium. A Dinner, the meal oppos'd to *Prandium*. *Et coriabit bladum per unam diem & habebit tam ad dinarium quam ad Prandium Panem cervisiam & carnes.*—*Consuetud. Domus de Earendon, MS.*

Dirge, or Dyrge. A mournful Ditty, or Song of Lamentation over the Dead, not a contraction of the Lat. *Dirige*, in the Hymn *Dirige gressus meos*; as some pretend: but from the Teutonick *Dyrke* Laudare, to praise and extol: whence it is possible their *Dirke* and our *Dirge* was a laudatory Song to commemorate and applaud the Dead.

Disability, Disabilitas, Is, when a Man is disabled of, or made incapable to inherit or take a Benefice, which otherwise he might have done, which may happen four ways. By the act of the Ancestor, by the act of the Party, by act of Law, and by the act of God. 1. *Disability* by the act of the Ancestor, as if a man be attainted of Treason or Felony; by this Attainder his Blood is corrupt, and thereby himself and his Children disabled to inherit. 2. *Disability* by the act of the Party himself; as if one man make a Feoffment to another that then is sole, upon condition, that he shall enfeoff a third before M, and before M. or the Feoffment made, the Feoffee takes a Wife; he hath by that disabled himself to perform the Condition according to the Trust in him reposed, and therefore the Feoffor may enter, and out him, *Lit. sect. 357.* So if I bind myself, that upon surrender of a Lease, I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: In this case, though I afterwards purchase the Reversion, yet I have forfeited my Obligation, because I was once disabled to perform it; *Co. lib. 5. fol. 21.* Also if a man be excommunicated, he cannot during that time sue any Action, but shall be thereby disabled *Co. lib. 8. fol. 69.* and so in other cases. 3. *Disability* by act of Law, is properly when a man by the sole act of the Law is disabled, and so is an Alien born. And therefore if a man born out of the Kings Ligeance, will sue an Action, the Tenant or Defendant may say, That he was born in such a Country, out of the Kings Ligeance, and demand Judgment if he shall be answered; for the Law is our Birth-right, to which an Alien is a stranger, and therefore disabled to take any benefit thereby. 4. *Disability* by the act of God, as to be *Non compos mentis*, or *non sana memoria*, which so disables him, that in all cases where he gives or passes any thing or estate out of him, after his death it may be disannulled and avoided. And here observe, That it is a Maxim in our Law, That

a man of full age shall never be received to disable his own Person, and this in capacity to disable himself, as to some is personal, extending only to the Party himself; but as to others it is not personal, yet shall bind them as Privies. Now there are four manner of Privities, viz. *Privy in Blood*, as Heir. *Privy in Representation*, as Executors or Administrators. *Privies in Estate*, as Donee in Tail, the Reversion or Remainder in Fee, &c. And *Privies in Tenure*, as Lord and Tenant. Two of these may disable the person of the dead, which was *Non sana memoria*, or, &c. and shall avoid his Grants or Feoffments, viz. *Privies in Blood* may shew the disability of the Ancestor, and *Privies in Representation* the infirmity of their Testator or Intestate, *Co. lib. 4. fol. 123, 124.* See *Lit. sect. 405.* and *Co. lib. 8. fol. 43.*

Disalt, Signifieth as much as to disable, *Littleton* in his Chapter of *Discontinuance*.

Disarcare. Properly to unlade a Ship or Vessel by taking out the Cargo or Goods. — *Et predictus Prior carcare & disarcare fecit ibidem Merchandisas & Denariatas quas cumq; Placit. Parl. 18 E. 1.*

Disarcatio, An unloading.

Disbosatto, A conversion of wood Grounds into Arable or Pasture; and assarting. See *Assart*.

Discepre. Deceit and Deceptions. See also the *New Book of Entries, verbo Discepre*.

Discent, Discentus, In the French *Descent*, signifieth in the Common-Law, an order or means whereby Lands or Tenements are derived unto any man from his Ancestors, as to make his descent from his Ancestors, *Old Nat. Brev. fol. 101.* It shew how, and by what degrees the Land in question came to him from his Ancestors; as first from his great Grandfather to his Grandfather, from his Grandfather to his Father, and so to him, or in such other like sort. This descent is either lineal, or collateral; Lineal descent is conveyed downwards, in a right line from the Grandfather to the Father, and from the Father to the Son, and from the Son to the Nephew, &c. Collateral descent is springing out of the side of the whole Blood, as Grandfathers Father, Fathers Brother, &c. See *Termes de la Ley*, and *Lit. lib. 3. cap. 6. Stat. 32 H. 8. cap. 33. Co. on Lit. fol. 237.*

Disclaimer, Disclamium, Is a Plea containing an expresse denial or refusal; as if the Tenant sue a Replevin upon a Distress, taken by the Lord, and the Lord avow the taking of the Distress, saying, That he holdeth of him as of his Lord, and that he distrained for Rent not paid, or Service not performed; then the Tenant denying himself to hold of such Lord, is said to disclaim, and the Lord proving the Tenant to hold of him, he loseth his Land, *Termes de la Ley 274.* Also if a man deny himself to be of the Blood or Kindred of another in his Plea, he is said to disclaim his Blood, *F. N. B. fol. 197.* See also *Bro. tit. Disclaimer*: If a man arraigned of Felony, do disclaim Goods, being cleared, he loseth them, *Stamf. pl. cor. fol. 186.* See also *Co. lib. 8. fol. 62. Lit. sect. 146. Co. lib. 3. fol. 26. New Book of Entries, verbo Disclaimer. Skene de verbor. Sign. verb. Disclamation.*

Discontinuance, Discontinuatio, Cometh of the French *Discontinuer*, that is, cessare, and signifieth in the Common-Law nothing else but an interruption, or breaking off, and is two-fold, *Discontinuance of Possession*, and *Discontinuance of Process*: The effect of *Discontinuance of Possession* is this, that a man may not enter upon his own Lands or Tenements alienated, whatsoever his Right be unto it, of his own self, or by his own authority; but must bring his Writ, and seek to recover possession by Law. See the *Termes of the Law, verbo Discontinuance. Institutes of the Common Law, cap. 43.*

Co. Rep. lib. 3. Case Of Fines, fol. 85. The effect of Discontinuance of Plea or Process, when the instant is lost, and may not be regained, but by a new Writ to begin the Suit afresh: For to be discontinued, and to be put *sine die*, is all one, and nothing else but to be dismissed finally the Court. *We Symbol. part 2. tit. Fines, fol. 115.* So *Crompton* in his *Jurisdiction*, fol. 131. useth it in these words, If a Justice Seat be discontinued by the not coming of the Justices, the King may renew the same by his Writ, &c. In this signification *Pitchebherb* in his *Nat. brev.* useth the Word *discontinue*, as Discontinuance of Corrody, fol. 193. To discontinue the Right of his Wife, 191, & 193. Discontinuance of an Assise 182, & 187. *Anno 31 Eliz. cap. 1. 12 Car. 2. cap. 4. 14 Car. 2. cap. 10. Co. on Lit. 325.*

Disrus, Descus. A Desk or leaning Shelf. *Super reparatione discorum & stallorum in cancellis Ecclesie controversia orta est.* Hist. Croyland. Contin. p. 521. So *Robert de Riplingham* Chancellor of the Ch. of York, in his last Will proved 3. Kal. Sept. 1332. — *Item Cathedram meam & descum meum* Cancellar. Ebor. successui mes. Ex *Collegio* Matth. Hutton, S. T. P. MS.

Disfranchise, To take away from any one his Privilege or Freedom, 14 Car. 2. cap. 31. It is contrary to *Enfranchise*, which see.

Disgrading or Degradation, Degradatio, Is the punishment of a Clerk, that being delivered to his Ordinary, cannot purge himself of the Offence whereof he was convicted by the Jury, and is the privation of him from those Holy Orders which he had, as Priest hood, Deaconship, &c. *Stamf. pl. cor. 130, & 138.* There is likewise the disgrading of a Knight, Lord, &c. So Sir *Andrew Harkley* Earl of Carlisle was convicted, degraded, and attained of Treason, 18 E. 2. *Coram Rege* Reg. 341. 35. And it is not to be omitted, that by the Common-Law there be two sorts of disgrading, one summary, by word only, and another solemn, by de-vesting the Party degraded of those Ornaments and Rites, which be the Ensigns of his Order or Degree. See *Selden's Titles of Honour*, fol. 787. So by the Statute of 13 Car. 2. cap. 15. *William Lord Mounson*, Sir *Henry Mildmay*, and others therein named, were degraded, &c. See the Act at large.

Disinherit, Is an old word signifying as much as disinheriting. It is used in the Statute of *Vouchers* made 20 E. 1. and in 8. R. 2. cap. 4.

Disinherit, One that disinherits, or puts another out of his Inheritance, 3 E. 1. cap. 39.

Dismes, Decima, Are Tythes, and signifieth the Tenth part of all the Fruits of the Earth, or Beasts, or our Labour due unto God; and so consequently to him that is of the Lords Lot, that is, our Pastor. It signifieth also the Tenths of Spiritual Livings, yearly given to the Prince, called a *perpetual Dism*, 2 & 3 E. 6. cap. 35. which in ancient time were paid to the Pope, till Pope *Urbane* gave them to *Richard* the Second, to Aid him against the French King *Charles*, and those other that upheld *Clement* the Seventh against him, *Polydor. Virgil. Ang. Hist. lib. 20.* Lastly, It signifieth a Tribute levied of the Temporality, *Holinshed in H. 2. fol. 111.* Tythes are of three sorts, *Predial, Personal, Mize*: *Predial* Tythes are of things that come of the ground only, as Corn, &c. *Personal* Tythes are paid of such things as come of the labour and industry of Mans Person, as Buying and Selling, &c. *Mize* Tythes are of Calves, Lambs, Pigs, and such like.

Disparagement, Disparagatio, Is in a legal sense used especially for matching an Heir in Marriage under his or her Degree, or against decency. See *Cowell's Institutes, tit. de Nuptiis, fol. 8. Co. on Lit. fol. 107. Est. lib. 2. cap. 4.*

Dispauper'd. When any Person by reason of his Poverty, attested by his own Oath, of not being worth 5*l.* his Debts being paid, is admitted to sue in *forma pauperis*, if afterwards before the Sute be ended, the same Party have any Lands, or personal Estate fallen to Him, or that the Court, where the Sute depends, think fit for that or any other Reason, to take away that Privilege from Him, then he is said to be *dispaupered*, i. e. put out of the capacity of suing in *forma pauperis*.

Disrationate, Dirationare. Fr. *Desoner.* To justify or make good the Denial of a Fact. We now call it *Traversure*, or *Traverse*. *Dirationare* it has been used for to clear ones self of a Crime. See *Gloss. in x. Script.* And *Deraign* —

Disseisin, Disseisina, Signifieth an unlawful dispossessing a man of his Land, Tenement, or other immovable or incorporeal Right, *Institutes of the Common Law, cap. 15.* And how far this extendeth, see *Bract. lib. 4. cap. 3.* And therefore the Assises be called *Writs of Disseisin*, that lie against *Disseisors* in any case, whereof some be termed *little Writs of Disseisin*, being *Vicintiel*, that is, sueable before the Sheriff, in the County-Court. *Old. Nat. brev. fol. 109.* because they are determined by the Sheriff without Assise, *Reg. Orig. fol. 198. b.* as for Nuisances of no great prejudice: *Disseisin* is of two sorts, either *simple*, committed by day without Force and Arms: *Bract. lib. 4. cap. 4. Brit. cap. 42. 43. 44.* where you shall find in what especially it is lawful, and in what not. *Brit. cap. 53.* And *disseisin by force*, for which see *Disseisor*, see *Fresh-disseisin*, *Redisseisin*, and *Post-disseisin*. See also *Skene de verbor.* Signif. verbo *Disseisina*. How many ways it is committed, see *Fleta lib. 4. cap. 1. fol. fit autem*, &c. and when it is lawful, cap. 2. wrongful *Disseisin* is no defalc in Law, 32 H. 8. cap. 33.

Disseisore. To *Disseise*, Eject, or turn out of Possession. — *Rex Richardus primus disseisivit Gerardum de Camvilla de Castello & vice comitatu Lincolnienfi Paroch Antiq. p. 152.*

Disseisor, Is he that putteth another out of his Land, and *Disseisee* is the person so put out, 4 H. 4. cap. 7.

Disseisorese, Is a Woman that *disseiseth* another, *Co. on Lit. fol. 357. b.*

Disseisin upon Disseisin, Is where a *Disseisor* is *disseised* by another.

Distress, Signifies a Compulsion in certain real Actions, whereby to bring a Man to appear in Court, or to pay a Debt of Duty denied: The effect whereof most commonly is to drive the Party distrained to replevy the *Distress*, and so to take his Action of Trespass against the Distrainer, or else to compound Neighbourly with him for the Debt or Duty for which the *distress* was made. In what case a *distress* is lawful, see *New Termes of the Law*. The *Civilians* call it *Pignorum captionem*: There are divers things not distrainable, for a *distress* must be of a thing whereof a valuable property is in some Body, and therefore Dogs, Bucks, Conies, and the like, that the *fera natura*, cannot be distrained. 2. Although it be of a valuable property, as a Horse, (yet when a Man or Woman is riding of him) or an Axe (in a Mans hand cutting of Wood, and the like, they are for that time privileged, and cannot be distrained. 3. Valuable things shall not be distrained for Rent, for benefit and maintenance of Trades, which by consequence are for the Common wealth, and are by authority of the Law there; as a Horse in a Smiths Shop shall not be distrained for the Rent issuing out of the Shop, nor the Materials in a Weavers Shop for making Cloth, nor Cloth or Garments in a Taylors Shop, nor Sacks of Corn or Meal in a Mill, nor in a Market, nor

nor any thing distrained for *Damage-feasant*, for it is in *Grassia Legu*. 4. Nothing shall be distrained for Rent that cannot be rendered again in as good plight, as it was at the time of the *Distress* taken, as sheaves or shocks of Corn cannot be distrained for Rent, but for *Damage-feasant* they may. 5. Beasts belonging to the Plough *averia caruæ* shall not be distrained, but Goods or *animalia otiosa* may be distrained. 6. Furnaces, Cauldrons, or the like, fixed to the Frechold; or the Doors or Windows of a House, or the like, cannot be distrained. When one takes a *Distress* that hath life, he must bring it to the common Pound, or keep it in an open place where the Owner may give it food. See the *Stat. de districtione Staccarii*, 51 H. 3. Britton, cap. 71. divides *Distress* into real and personal; *Distress* real is made upon immoveable Goods, as the *Grand-Cape* and *Petit Cape*. And thus it is interpreted by *Hotom de verb. Feudal, verbo Districus*. This differeth from an Attachment, in this point among others, that it cannot be taken by any common person, without the compass of his own Fee, F. N. B. 904, except it be presently after the Cattel or other thing is driven or born off the Ground by him that perceiveth it to be in danger to be distrained. See *Attach* and the *Stat. 27 Car. 2. cap. 7. Distress personal* is made, by taking a mans moveable Goods, and detaining them for security of his appearance to the Suit. *Distress* is also divided into *finite* and *infinite*, *Finite* is that which is limited by Law, how often it shall be made to bring the Party to Tryal of the Action, *Old Nat. Brev. fol. 43. Distress infinite* is without limitation, untill the Party come, as against a Jury that refuseth to appear *super certificatione Assise*, where the Process is *venire facias, habeas corpus*, and *Distress infinite*, *Old Nat. Brev. 113.* Then it is again divided into a *Grand Distress*, 52 H. 3. cap. 7. which *Brimberth* calleth in Latine *Magnam districtionem*, *Nat. Brev. fol. 126.* and an ordinary *Distress*: A *Grand Distress* is that which is made of all the Goods and Chattels the Party hath within the County, Britton, cap. 26. fol. 52. But see whether it be not sometimes all one with a *Distress infinite*, *Id. fol. 80.* with whom all the Statute of *Marebridge* agrees, 52 H. 3. cap. 7. 9, 12. See *Grand Distress* and *Attachment*, also *Old Nat. Brev. fol. 71.*

Districus, Is sometimes used for the Circuit within which a man may be compelled to appearance, Britton, cap. 120. And whereas we say *Hors de son fee*, others use *extra districum suum*. So likewise *Reg. Orig. fol. 6.*

Districtiones, *Distrains*, or Goods *Distrained*, or *Distresses*, kept in Custody till Payment and full Satisfaction be made. — *Possunt Nos & Successores nostri & predictas omnes terras* — *distringere ad satisfactionem memoratam* & *districtiones retinere quousque plenarie fuerit satisfactum*. Paroch. Antiquit. p. 344.

Distringas, Is a Writ directed to the Sheriff, or any other Officer, commanding him to distrain one for Debt to the King, &c. or for his appearance at a day; as a *Distringas farot*, &c. There is great variety of this Writ in the Table of the Register Judicial, verbo *Distringas*.

Devil on the Back. A tormenting Engine formerly in use among the persecuting Papists, to extort Confession and Apostacy from the poor Lollards. It is thus described by Mr. Fox in his *Act & Mon. sub R. Hen. 8.* Certain frait Iron called the Devil on the Neck being after an horrible sort devised, straitning and wincing the Neck of a Man with his Legs together, in such sort as the more he stirreth in it, the straiter it presseth him, so that within three or four hours, it breaketh and crusheth a Man's back and body in pieces.

Dividend in the Exchequer, Seems to be one part

of an Indenture, *An. 10 E. 1. cap. 11 & 28 F. 1. Stat. 3. c. 2.*

Dividend in the University, Is that share or part which every one of the Fellows do justly and equally divide among themselves of their Annual Stipend.

Dividenda, The word was antiently used for Indenture. *Claus. 6. Ed. 2. in Dorso. M. 24. and Stat. de Escheutoribus 29. Ed. 1.*

Divisa, Diviles or Bounds. *Divisas perambulare*, to walk the bounds of a Parish. — *U supra terram unde calumpniata fuit ipse cum suis, Ego vero cum meis ad divisas perambulandas convenerimus*. Cartular. Rading. MS. f. 108. b. So is *Devise* used for the Borders or limits of division between Lands, Parishes, or Countries. — *Sic usque Hetheneburn inter Akemansstrete inter divisas inter com. Oxon. & Buck. Paroch. Antiquit. p. 324.* Hence the *Devise*, or *Divizes*, a Town in Wiltshire, situate on the confine of the West-Saxon and Mercian Kingdoms.

Divisa. A last Will or Devise of worldly Goods. *Notum facio quod apud Waltham* — *feci divisam meam de quadam parte pecunie mee in hunc modum*. Testamen. Hen. 11. apud Geivias. Doroborn. sub Ann. 1182.

Divisa. A Device, Sentence, or Decree. *Omniis causa terminetur vel hundredo, vel comitatu*, — *vel Divisis Parium*. Leg. Hen. 1. cap. 9.

Divorce. See *Divorce*.

Docket, Is a Brief in writing, Ann. 2. & 3. P. & M. cap. 6. West writeth it *Dogget*, by whom it seemeth to be some small piece of Paper or Parchment, containing the effect of a larger writing, Symbol. pars. 2. tit. Finer, self. 106.

To do Law, *Facere Legem*, Is the same with to make Law, 23 H. 6. cap. 14. See *Make*.

Ductor and *Student*, Is a Book containing certain Dialogues between a *Ductor* of Divinity, and a *Student* at the Common-Law, wherein are contained Questions and Cases, as well of the Equity and Conscience used in the Common Law, as also a comparison of the Civil Canon and Common Law together, very worthy the reading. The Author is said to be one Saint German, and the Book was written in the time of Henry the Eighth.

Dog-draw, Is an apparent depredation of an Offender against Venison in the Forest. There be four of these mentioned by *Manwood* in his *Forest Law*, cap. 18. num. 9. viz. *Stable-land*, *Dog-draw*, *Back-bear*, and *Bloody-hand*; where he saith, That *Dog-draw* is where any man hath stricken or wounded a wild Beast, by shooting at him either with Cross-Bow, Long-Bow, or otherwise, and is found with a Hound, or other Dog drawing after him to receive the same.

Dogger, A kind of little Ship, 31 E. 3. Stat. 3. cap. primo.

Doggerfish, 31 E. 3. Stat. 3. cap. 2. Seemeth to be Fish brought in those Ships to Blackney-haven, &c.

Dogger-man, Anno 2 H. 8. cap. 4.

Dogger, See *Dogger*.

Doitain, A base Coin prohibited by 3 H. 5. cap. 1. Hence probably we retain that phrase when we would undervalue a Man, to say, *He is not worth a Doit or Doitkin*.

Dole, *Dela*, a Saxon word, signifying as much as *Part* or *Portio* in Latine: It hath of old been attributed to a Meadow, and still so called as *Dole-meadow*, 4 Jac. cap. 11. because divers persons had shares in it; we still retain the Word to signifie a share, as to deal a *Dole*; he dealt his *dole* among so many poor People, that is, he gave every one a share or part.

Dolefish, Seems to be that Fish, which the Fishermen yearly employ'd in the North-Seas, do of custom receive for their allowance. See the Stat. 35 H. 8. cap. 7.

Dolgbote, A recompence made for a Scar or Wound, Sax. *Diction*. Inter Reg. Aluredi Regis, cap. 23. legitur *Dolgbot*.

Domes-men. Judges, or Men appointed to doom and determine Suits or Quarrels. — *Qui infra libertatem seu hundredum de Ichenfeld com. Hert. faciunt scilicet ad curiam Hundredi ut minores lites dirimant vocantur Domes-men, i. e. Judices seu Homines Judicarii.* See *Sil. Taylor of Gawkind*, p. 110. Hence falling of *Domes* is the Scotch Phrase for reversing of Judgment, or annulling of Decrees. Hence the Island-Domes-judicium, and Eng-deme, I Doom or Judge.

Dombor. A Saxon word signifying *Liber Judicarius*, as appears by the Laws of King Edward the elder, cap. 8. This was probably a Book of Statutes proper to the English Saxons, wherein perhaps the Laws of former Saxon Kings were contained: That Chapter seeming to refer to the Laws of King Ina, cap. 29.

Domesday or **Domesdat**, *Liber Judicarius* and *Consuetudinis Anglia*, is a Book now remaining in the Exchequer. The Author of the *Old Nat. Brev.* fol. 15. liith. It was written in the time of St. Edward the Confessor, containing in it not only all the Lands through England, but also the Names of those in whose hands they were at that time: But Lambert proves it was made in the Conqueror's time, with whom agrees Camden in his *Brit.* proving it out of Ingulphus that flourisheth the same time, whose very words are these, *Totam terram descripsit, nec erat Hyda in terra Anglia, quin valorem ejus & possessorem scripsit, nec Lacus nec Loca aliquis quin in Regis titulo extitit descripsit, ac ejus redditus & proveniunt, ipsa possessio & ejus possessor Regia notitia manifestatur, juxta Taxatorum fidem, qui electi de qualibet patria, territorium proprium describebant: Ipse Rotulus vocat. est Rotulus Wintonia, & ab Angliis pro sua generalitate, quod omnia Tenementa totius terra continuit, Domesday cognominatur.* So it is called in the Statute 1 R. 2. cap. 6. This Book was also called *Liber Judicatorius*, or *Judicarius*, *quia in eo Regis descriptio diligens continetur & tam de tempore Regis Edwardi quam de tempore Regis Gulielmi, sub quo factus est, singulorum fundorum Valenti exprimitur, ut Orkham in his *Lacubrations*, de *fisci Regis ratione*, testifies: *Gerardus Tilburienfis* saith, it was called *Domesday*, *Quod a predicto Judicio non liceat ulla ratione discedere.* It was finish'd (saith *Stow*) in the Fourteenth year of William the Conqueror, Camden calls it *Consuetudinem Gulielmi*, King Williams Taxbook, See more in *Spelm. Gloss.* and 4 *Inst.* 269. See *Day's Man.**

Domitellus, Sir Edm. Co. 4. *Inst.* fol. 37. would seem to derive it from *Domicel*, a French word, as he says, though mistaken, for it is an old Latine Word, and anciently given as an addition to the Kings natural Sons in France, see *Spelm. Gloss. verbo Domicellus*. This word is also used in a Charter of Legitimation of several Children of John of Gaunt, 20 R. 2. confirmed by Parliament at *Westm.* 9. die Febr.

Domigerium. D. mage, Danger. — *Vitam suam in laboribus variis ducens cum Domigerio magis meditando.* Hist. Elien. apud Wharton Angl. Sac. P. 1. p. 652.

Domitica in *Ramis Palmarum*, is *Palm Sunday* so called, because on that day they used to distribute branches of *Palm* and other green Boughs in commemoration of our Lords riding to Jerusalem, and the People cut *Palm* Boughs, &c. to strow in the way, crying *Hosanna*.

Dominus, In anient times being prefixt to a Name, usually denoted Him a Knight, or a Clergy-Man. For so we find it often in Charters, with *His Testibus Dominus Edwardo de Sancto Marro, Willielmo* &c. Howbeit, I think sometimes that Title was given to a Gentleman of Quality, tho not a Knight, especially if he were Lord of a manor. —

Dominicum. *Demain*, or *Demefine*. *Ter-*

ra dominicales. Lands not rented to Tenants, but held in demefine, or in the Lord's own use and occupation. *Antiquum Dominicum Regis*, the King's antient Demefine, or such Royal Mannors as were reserv'd to the Crown, to yield provision for the King's Household, and so let out in Socage for *ferme* or victuals, or in Serjeantry for some Domestick Services: but not dispos'd to Barons or Knights to be held by any Feudatory or military Service. See *Demain*.

Domina. A Title given properly to those honourable Women, who in their own Right of Inheritance held a Barony. So *Maud* the Daughter of *Robertus de Oilly sen*, who inherited the honour of *Wallingford*, was therefore still'd *Matildis Domina de Wallingford*. Paroch. Antiq. p. 78.

Dominium. Right or legal Power. — *In fira dicti manerii sive Domini de Pidintona, aut infra precinctum ejusdem, non habent aliqui extranei dominium aliquo modo in parte vel in toto se intromittere.* Paroch. Antiq. p. 498.

Domo Reparanda. Is a Writ for one against his Neighbour, by the fall of whose house he feareth hurt to his own, *Reg. Orig.* fol. 153. In this case the *Civilians* have the Action de *domino infasto*.

Donative. Is a Benefice merely given and collated by the Patron to a Man, without either Presentation to the Ordinary or Institution by his Ordinary or Induction by his commandment *F. N. B. fol. 35.* Of this *Petr. Gregor. de benef.* cap. 11. 10. hath these words, *Si tamen capella fundata per Laicos non fuerint a Diocessane approbata & (ut loquuntur) Spiritualizata, non censentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sub pia dispositione fundatoris.* And Mr. *Gwin* in the Preface of his reading, saith, That as the King might of ancient times found a free Chappel, and exempt it from the Jurisdiction of the Diocesan. So he might also by his Letters Patents licence a common Person to found such a Chappel, and to Ordain, That it shall be *donative*, and not presentable, and that the Chaplain shall be deprivable by the Founder and his Heirs, and not by the Bishop, and this is most likely to be the Original of these *Donatives* in England. *Fitzherbert* saith, That there be some Chantries which a Man may give Letters Patents, *Nat. Brev.* 33. 42. All Bishoppicks were in anient time *Donative* by the King. *Co. lib.* 3. fol. 75.

Donor and **Donce**, *Donor*, Is he who gives Lands or Tenements to another, and he to whom the same is given is the *Donce*.

Doom, (From the Saxon *Dom*) signifieth a Judgment or Sentence; a word much used in References to Arbitrators: We have several words that end in *dom*, as *Kingdom*, *Earldom*, &c. so that it may seem to signify the Jurisdiction of a Lord, or a King. See also *Man. Ang.* 1. *Par.* fol. 284. a. *Habeat Grithbrich. & Forstall, & Dem, & Som, & Wreche in Mari.*

Dormitory, *Dormitorium*, Anno 25 H. 8. cap. 11. Is the common Room, Place or Chamber, where all the Fryers of one Covent slept and lay all Night.

Dofens. Streight Cloathes made in Devonshire, and so called in *Rat. Parl.* 2 Hen. 5.

Doffale, **Dofale**. Hangings, Tapestry. — *Dederat ei duo dorsalia honesta. Rog. Hoveden. sub ann. 954.* — *Doffale sive tapessium.* — *Mat. Par. in tit. Abb. S. Albani.*

Dore assignanda. Is a Writ that lies for a Widow, where it is found by Office, that the Kings Tenants were seized of Tenements in Fee or Fee-tail at the day of his death, &c. and that he holdeth of the King in chief, &c. For in this case the Widow cometh into the Chancery, and there maketh Oath, That she will not marry without the Kings leave, Anno 15 E. 3. cap. 4. and hereupon she shall have this Writ to the Effect;

ator; for which see *Reg. Orig. fol. 297.* and *F. N. B. fol. 263.* And this sort of Widows is called *The Kings Widow.* See *Widow.*

Dote unde nihil habet, Is a Writ of Dower, that lyeth for the Widow against the Tenant, which bought Land of her Husband in his life-time, whereof he was seised solely in Fee-simple or Fee-tail, in such sort as the issue of them both might have inherited it, *F. N. B. fol. 147. Regist. fol. 170.*

Dotis admesuratio. See *Admesurement,* and the *Reg. Orig. fol. 171.*

Douan. Any sort of Property, Goods or Endowment. — *Per captionem & retentionem averiorum nostrarum & aliorum Douorum quorumcumque ad nostram Manuscriptionem spectantium.* Cartular. Abbat. Glaston. MS. f. 48.

Doubles, Anno 14 H. 6. cap. 6. signifie as much as Letters Patent, being a French word made of the Latine *Diploma.*

Double Plea, Duplex placitum, Is that wherein the Defendant alledgeth for himself two several matters, in bar of the Action, whereof either is sufficient to effect his desire in debarring the Plaintiff. And this is not to be admitted in the Common-Law; wherefore it is well to be observed, when a *Plea* is double, and when not; for if a man alledge several matters, the one nothing depending of the other, the *Plea* is accounted double; If they be mutually depending one of the other, then it is accounted but single, *Kitchin. fol. 223.* and see *Brooke, tit. Double Plea.* And Sir *Tho. Smith* gives this Reason, why our Law admitteth not a double *Plea*, because the Tryal is by twelve ignorant men, whose heads are not to be troubled with over many things at once, *Lib. 2. de Rep. Angl. cap. 13.*

Domus Conuersorum, See *Rolls.*

Domus Dei, The Hospital of St. Julian in Southampton so called, *Men. Ang. 2. par. fol. 440. b.*

Double Quarrel, Duplex Querela, Is a complaint made by any Clerk, or other, to the Archbishop of the Province against an inferior Ordinary, for delaying of Justice in some Cause Ecclesiastical, as to give Sentence, to institute a Clerk presented, or the like: The effect whereof is, that the said Archbishop taking knowledge of some delay, directeth his Letters under his authentical Seal, to all and singular Clerks of his Province, thereby commanding and authorising them, and every of them to admonish the said Ordinary, within a certain number of Days; namely nine days, to do the Justice required, or otherwise to cite him to appear before him or his Official at a day, in the said Letters prefixed, and there to alledge the cause of his delay. And lastly, To intimate to the Ordinary, that if he neither perform the thing enjoined, nor appear at the day assigned, he himself will without further delay proceed to perform the Justice required; And this seemeth to be termed a double *Quarrel*, because it is most commonly made against both the Judge, and him at whose Petition Justice is delayed.

Dowager, Dotata, A Widow endowed. But chiefly an addition applied in General to Widows of Princes, Dukes, Earls, and Persons of Honor.

Dower, Dos, Signifieth in our Common-Law two things: First, That which the Wife bringeth to her Husband, otherwise called *Maritagium*, Marriage-Goods; next and more commonly, that which the hath of her Husband after the Marriage determined, if she out-live him, *Glanville, lib. 7. cap. 1. Bract. lib. 2. cap. 38. Britton, cap. 101.* And in Scotland it signifieth the same, *Stene de verb. Signif. verbo Dos;* the former is in French called *Dor*, the other *Dowaire*: And accordingly some Authors would distinguish the first by the name of *Dowry.* The second, Of *Dower*, but they are

often confounded. Of the former our Law Books say very little; This only may be noted, That whereas by the Civil-Law, Instruments are made before Marriage, which contain the quantity of the Wives *Dowry*, or Substance brought to her Husband, that he having the use of it during Marriage, may, after certain deductions, restore it again to his Wives Heirs or Friends after the Marriage dissolved. The Common-Law of England, whatsoever Chattels moveable or immoveable, or ready Money she bringeth, doth make them forthwith her Husbands own, to be disposed of as he will, leaving her at his curtesie to bestow any thing or nothing upon her at his Death. Only if she be an Inheritor, the Husband holdeth her Land but during her Life, except he have Issue by her; but then he holdeth it by the Curtesie of England during his own Life, see *Curtesie.* And again, if he have any Land in Fee, whereof he was possessed during the Marriage, she is to have a third part thereof during her Life, though she bring nothing to him: except she do by Fine release her Right during the Marriage. Therefore upon speech of Marriage between two, the Parents on both sides are commonly more careful in providing each for his Child than the Parties themselves; and by their means divers Bargains be made sometimes for the conveyance of Lands, &c. to them and by their Issue: And this said, *To be given in Frank Marriage.* Sometime to her during her Life, and that before or at the Marriage: If before the Marriage, then it is called *Joynture*; for a Joynture is a Covenant, whereby the Husband is tyed *ratione juxture*, in consideration of the Marriage, that the Wife surviving him shall have during her life, this or that Tenement or Lands, of thus much Rent yearly payable out of such Land, &c. with clause of Distress, and this may be more or less, as they do accord, *Britton, cap. 102, 133, 104, 110.* for *conventio vincit legem*, *Bract. lib. 5. tract. 4. cap. 9.* The diversities of these Joyntures you may read in *West. Symbol. part. 1. lib. 2. sect. 128, 129, 130, 131, 132, 133.* But if none of those Agreements be made before Marriage, then must the Wife stick to her *Dower*; and that is sometimes given *ad osium Ecclesie*, at the Church-door, and may be what the Husband will, so it exceed not a third part of his Lands, *Glanville, lib. cap. 1. or the half,* as some say, *F. N. B. fol. 150.* And this *Dower* is either certainly set down and named, or not named, but only in generality, as the Law requireth: If it be not named, then it is by Law the third part, and called *Dos Legitima*, *Bract. lib. 4. tract. 6. cap. 6. num. 6. & 10. Maz. Charta, cap. 7. or the half,* by the Custom of some Counties, as in *Gavelkind*, *F. N. B. fol. 150.* And though it be named, it seems that it cannot be above half the Lauds of the Husband, *ibid.* And the Woman that will challenge this *Dower*, must make three things appear, viz. 1. That she was married to her Husband. 2. That he was in his life-time seised of the Land whereof the demandeth *Dower.* And 3. That he is dead, *Co. 2. Rep. fol. 93. Bingham's Case.* Of these things see *Glanville, lib. 6. cap. 1, 2, 3. Bract. lib. 2. cap. 38, 39. & lib. 14. tract. 6. cap. 1. & 6. and Britton, cap. 101, 102, 103, 104.* and *F. N. B. fol. 147, 148, 149, 153.* And this Customary *Dower* seemeth to be observed in other Nations as well as in ours. See also *Co. on Lit. fol. 33. b.* If the Wife be past the age of nine Years at the death of her Husband, she shall be endowed: If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconcil'd, she loseth her *Dower* by the Statute of *Westm. 2. cap. 34. 2. par. Inst. fol. 433.* Camden in his *Brit. tit. Suffex*, relates out of the Parliament Records, 30 E. 1. A memorable Case of Margaret the Wife of

Sir John Carnoy, cited also in 2. Inst. fol. 435, which for brevity sake I omit, and desire you there to read at large.

Dozein, Decenna, In the Statute for view of Frankpledge, made 18 E. 2. one of the Articles for Stewards in their Laets to inquire of, is, If all the Dozeins be in the Assise of our Lord the King, and which not, and who receive them, Art. 3. See *Doziners*. There is also a sort of *Dozen*shire Kerseys called *Dozens*, 5 & 6 E. 6. cap. 6.

Draco Regius, The Standard, Ensign, or Military Colours bore in War by our former Kings, having the Figure of a Dragon upon them. — *Cum Rex Angliæ fuisset signum suum in medio, & tradidisset Draconem suum Petro de Portellis ad portandum* — Rog. Hoved. sub ann. 1191. See *Watter Glossary*.

Dracca, A Drain. — *Cum Triginta aeris prati juxta diffusa novum locum ex parte occidentali in Dracca juxta fossatum de Redecol juvenibus.* — Contin. Hist. Croglund p. 479. The Word is printed *Dracca*, but I think it a mistake for *Draua*.

Dracum, Drag, A courser sort of Bread Corn. — *Item reddit computum de duobus quarteriis avenae de toto exitu grantia tritricatis per summum, & de xvii. quarteriis & tribus bussellis Dragii supra mixtis* — & tritricatis bussellis ordeï vel dragei avenae — *Consuetud. Domus de Farendon.* MS. f. 11. In *Staffordshire* they now use a sort of Malt made of Oats mix'd with Barley, which they call *Dreg-Malt*. And in *Essex*, &c. they have a Grain call'd *Dreg*, of which *Tho. Tusser* in his *Husbandrie*, p. 32.

Sow Barly and Dreg with a plentiful hand,
Lest Weed seed of Seed over-growerh thy Land.
Thy Dreg and thy Barly go Thresh out to Malt.

Diags, Anno. 6 H. 6. cap. 5. Seem to be Wood or Timber so joyned together, that swimming or floating upon the Water, they may bear a Burden, or Load of other Wares down a River.

Diana, A Drain, or Water-Course to sew and empty wet Places. — *Concessimus hanc illam que est juxta dranam quam Walterius Filius Amfridi tenuit.* Cartular. Abbat. Glasston. MS. f. 29. — *Illud pratum in Thistlemor quod est intra vicum fossatum & nemus de Godeshall, & inter Dranam, & ripariam de Avene cum tuta crista dicti fossati.* Cartular. Abbat. Radinges. MS. f. 10. 2.

Draw-Cere, Any Harness or other Furniture of Cart-Horses for drawing a Waggon or other Carriage. — *Pro factura de Draw-Gere per Walterum Carpenter de Langton Illd. Paroch. Antiq.* p. 549. See *Mr. Kenner's Glossary*.

Diawlatthes, Anno 5 E. 3. cap. 14. and Anno 7 R. 2. cap. 5. Lambert in his *Eirenarchia*, lib. cap. 6. calleth them *Mitchin Thieves*, as *Walters and Roberts Men*, *Mighty Thieves*, saying, That the words be grown out of use.

Drascus, Graines, or the refuse of Malt after Brewing, called still in some Places *Drainers*, and *Drass*. — *Et prebendam quotidianam ad duas equos de granario nostro sumendam, unum cribrum fursuris, & majorem eorum de Drasco, i. e. a great Basket of Grains.* *Mon. Par. in tit. Abb. S. Albani.*

Droit-Droit, Signifies a double Right, that is, *Jus Possessoris & jus Domini*, *Bract. lib. 4. cap. 27. & lib. 4. tract. 4. cap. 4. & lib. 5. tract. 5. cap. 5. Co. on Lit. fol. 266.*

Drenches or Dreuges, Dreugi, Were Tenants in Capite, says ancient *M. S. Doomsday*, tit. *Leffe. Reg. Pillarorum Newton*. They were, says *Spelman*, *E genere vassallorum non ignobilium, cum singuli qui in*

Doomsday nominantur, singula possiderent Maneria. Such as at the Conquest being put out of their Estates, were afterward restored; for that they being Owners thereof, were against him neither by their Persons or Countsels, *Co. on Lit. fol. 5.* says, *Drenches*, are free Tenants of a Mannor. See also *Mon. Ang. 2. par. fol. 598. a.*

Drengage, Drengagium, The Tenure by which the *Drenches* held their Lands, of which see *Trin. 21 E. 3. Ebor. & Northumb. Rec. 191.* And we may observe, says the learned *Spelman*, *Qui e Drengorum classe erant, vel per Drengagium tenentur sua incoluisse Patrimonia ante adventum Normannorum.*

Dröba, A Drive, a Drift-Way, or Common Road for driving Cattle. — *Walterus Cantuar. Archiepiscopus concessit ad vitam Magistro Michaeli de Bercham pasturas de la Rede & Hante juxta Berham, cum omnibus suis juribus & pertinentiis, drovis, viis, semitis & fossatis.* Dat. 10 Kal. Sept. 1319. Ex *Registr. Ecclesie Christi Cantuar.* MS.

Drye Exchange, 3 H. 7. cap. 5. *Cambium siccum*, Seemeth to be a subtle term, invented to disguise a foul Usury, In which something is pretended to pass on both sides, whereas, in truth, nothing passes but on the one side, in which respect it may be well called *Dry*: Of this *Lud. Lopes tractat. de Contract. & negotiat. lib. 2. cap. 1. sect. Deinde postquam*, writes thus, *Cambium est reale vel siccum, Cambium reale dicitur, quod consistit in veri Cambii realem habet, & Cambium per trans & Cambium minutum.*

Cambium autem siccum est Cambium non habens existentiam Cambii sed apparentiam ad instar arboris exsiccata, qua humore vitali jam carens apparentiam arboris habet, non existentiam. See also *Sum. Syl. verba Usura. Quest. 6.*

Dry Rent, Rent-seck. See *Rent*.

Drift of the Forest, Agiratio animalium in Foresta, Is an exact view or examination what Cattel are in the Forest, that it may be known whether it be overcharged or not, and whose the Beasts be. This *Drift*, when, how often in the Year, by whom, and in what manner it is to be made. See *Manwood's Forest Laws*, cap. 15. and 32 H. 8. cap. 35. and 4 Inst. 309.

Drinklean, Is a Contribution of Tenants towards a Potatis, or Ale, provided to entertain the Lord or his Steward; perhaps the same with a *Scot-Ale*.

Drodden, Among our Ancestors, the Saxons signified a Grove, or woody-place, where Cattel were kept, and the Keeper of them was called *Droffman*.

Droffland or Dyffland, Another Saxon Word, denoting anciently a yearly Payment made by some to their Landlords, for driving their Cattel through the Mannor to Fairs and Markets. *Mr. Philips* mistaken *Recompence*, fol. 39.

Droit Right, The Law makes six kinds of it; 1. *Jus recuperandi.* 2. *Jus intrandi.* 3. *Jus habendi.* 4. *Jus retinendi.* 5. *Jus percipiendi.* 6. *Jus possidendi.* All these several sorts following the Relation of their Objects, are the Effects of the Civil-Law, *Co. on Lit. fol. 266. & 345. Co. 8. Rep. fol. 151. 153.* Of meer *Droits*, and very *Right*. See 27 H. 8. cap. 26.

Droit d'Abbascon. See *Reſto de advocacione Ecclesie*.

Droit Cloſe. See *Reſto clausum*.

Droit de Dower. See *Reſto dotis*.

Droit sur Disclaymer. See *Reſto sur Disclaymer*.

Droit Patens. See *Reſto Patens*, and *Calthrop's Rep. fol. 132.*

Droffen, } All according to the Books of Doomsday, signifies a Thicket of Wood in a Valley.
Druſſ, }
Dru, }
Druſten, }

Dromones, Dromi, Dromundæ, Ships or larger Vessels made for great Burden and swift sailing. — *Tres majores naves. Subsequuntur, quas vulgo Dromones appellant, galeæ vero leviores & ad qualibet agenda agiliores præcedunt.* — Gaufridi Vineauf. Ric. Regis Iter. Hieros. cap. 60. — *Quing; prospere versus A-lion velificaver, 8. Idus Junii apparuit ei navis quædam permaxima, quam Dromundam appellant, missa a Saladino.* Mat. Par. sub. anno. 1191.

Druggeria, Drogeria, A Place of Drugs, a Druggist's Shop. — *Quoddam Missaggiu situm in vicis Northlode inter tenementum quod fuit Wilhelmi de Schestebury Capellani & tenementum proxime Druggeriam, quod quidam tenementum, &c.* Chartular. Abbat. Glaston. MS. f. 125. a.

Dowry, Dowrium, Dotarium, The Dowry or Jointure of a Wife settled on her in Marriage, to be enjoy'd after her Husband's Decease. The Word Dowrie, is by Fr. Janius, rightly refer'd to the old English, to Dowe, i. e. to give, as Chaucer, To whom fur evermore my Heart I dow. See Mr. Kennett's Glossary.

Duces tecum, Is a Writ commanding one to appear at a day in the Chancery, and to bring with him some Evidence, or other thing, that the Court would view. See the New Book of Entries, verbo Duces tecum. There is also another kind of *Duces tecum* directed to a Sheriff, upon return that he cannot bring his Prisoner without danger of Death, he being *adeo Languidus*, then the Court grants a *Habeas corpus* in the nature of a *Duces tecum licet languidus*.

Duell, Duellum, By Fleta, is a Fight between two Persons, for the Tryal of the Truth, the proof of which seem'd to be on the Conquerours side, Stat. de finibus levatus, 27 E. 1. This sort of Combat is still disused, though the Law be still in force. See 3. par. Inst. fol. 221. and see Combat.

Duke, Dux, In ancient times among the Romans signified Duces exercitus, such as lead their Armies, who if by their Prowess they obtained any famous Victory, they were by their Souldiers saluted Imperatores, as Hutem de verb. Feudal. verb. Dux, proverb out of Livy, Tully, and others: Since that they were called Duces, to whom the King committed the Government of any Province, Id. In some Nations to this day the Sovereigns of the Country are called by this Name, as Florence, or the great Duke of Tuscany, Duke of Milan. In England, Duke is the next Secular Dignity to the Prince of Wales. After the coming in of the Conquerour, there were none bore this Title till Edward the Thirds days, who made Edward his Son Duke of Cornwall. Since that there have been several made, whose Titles have descended by Inheritance to their Posterity; they were created with Solemnity per circumram gladii, cappa; & circuli aurei in capite impositionem. See Cambd. Brit. pag. 166. Zaxium de feudis, pag. 4. num. 7. Cassan. de consuet. Burgund. pag. 6. 10. And Fern's Glory of Generosity, 139. At this day we have many of these created Dukes in England, whose Titles are very well known to every Body.

Dum fuit infæa ætatem, Is a Writ which lies for him that before he came to his full Age, made a Feoffment of his Land in Fee, or for term of Life, or in Tail, to recover them again from him, to whom he conveyed them, F. N. B. fol. 192.

Dum non fuit compos mentis, Is a Writ that lyeth against the Alliance or Lessee, for him that not being of sound Memory, did alien any Lands or Tenements in Fee-simple, Fee-tail, for term of Life, or for Years, F. N. B. fol. 202.

Dumetium, Dumetum, A Ground full of Bushes and Brambles. I have seen a Deed grant-

ing inter alia quoddam Dumetium in Dale.

Duna, A Bank of Earth cast up, The Side of a Ditch. — *Faciēt fossatum adeo forte & bonum prout voluit, ita quod fundum a retro Dunæ usque; fossati sit in fundo 14 pedum.* Chartular. Glaston. MS. f. 75.

Dunio, A sort of base Coin less than a Farthing, a Double. — *Nec denarios invenimus præter duo Daniones qui sterlingos duos non valebant.* — Girald. Cambr. apud Whartoni Angl. Sacr. P. 2. p. 595.

Dunnarium. — *Pateat — quod ego Johannes de Stobur miles dedi Abbati & Canonicis de Natle pasturam in omnibus brueris sive Dunnariis meis.* Dat. 19 Ed. 3. Penes Decan. & Capit. Eccl. Cath. Christi Oxon. It seems to signify a Down, a Hill or Heathy Ground.

Dunum, A Down, In which Termination (a little, in some varied into Don) many Names of our Towns end, as Ashdown, Cleydon, &c. Doomid.

Duodena, A Jury of twelve Men. Robertus Tresilian Justitiarius — apud S. Albanum convocari fecit duodenarii quam pridie averraverat ad indicandum & prædandum Malefactores. Tho. Walsingham, p. 276.

Duplicat, Is used by Crompton for second Letters Patent granted by the Lord Chancellor in a Case wherein he had formerly done the same, and was therefore thought void, Cromp. Jur. fol. 215. Also any Copy or Transcript of a writing is called a *Duplicat*; the word is used 14 Car. 2. cap. 10.

Durdan, A Thicket of Wood in a Valley.

Dureffe, Duritia, Is in our Common-Law, a Plea used by way of Exception, by him that being cast in Prison at a Man's Suit, or otherwise by Beating or Threats hardly used, sealeth unto him a Bond during his Restraint; for the Law holdeth such Specialty void, but rather supposeth it to be by Constraint, and Dureffe pleaded shall avoid the Action. Bro. in his Abridgement, joyneth Dureffe and Manas together, that is, duritiam & minas. See the New Book of Entries, verbo Dureff.

Dusty-foot, A Forreigner, Trader, Pedlar, or travelling Merchant, who has no settled Habitation. — *Siquis extraneus Mercator transiens per regnum, non habens terram, vel mansorem infra vicecomitatum, sed vagans qui vocatur Pie poudreux, hoc est Anglice Dusty-foot, &c.* Hence the Court of Piepowder erected for Relief of such Forreigners. See Piepowder.

Dutche Court, Is a Court wherein all Matters appertaining to the Dutchy of Lancaster, are decided by the Decree of the Chancellor of that Court. And the Original of it was in the Reign of Henry the Fourth, who after the deposing of Richard the Second, coming to the Crown, and having the Dutchy of Lancaster by Descent in the Right of his Mother, he was seised thereof as King, and not as Duke; so that all the Liberties, Franchises, and Jurisdicions of the said Dutchy past from the King by the Great Seal, and not by Livery or Attornment; as the Possession of Euerwick, and the Earldom of March, and such others did, which had descended to the King by other Ancestors than the Kings: But at last Henry the Fourth passed a Charter by Authority of Parliament, whereby the Possessions, Liberties, &c. of the said Dutchy were severed from the Crown; yet Henry the Seventh reduced it to his former Nature, as it was in Henry the Fifths days, Cromp. Jur. fol. 136. The Officers belonging to this Court, are, The Chancellor, Attorney, Receiver-General, Clerk of the Court, Messenger: Besides these, there be certain Assistants of this Court, as one Attorney in the Exchequer, one Attorney of the Dutchy in the Chancery, four learned Men in the Law, retained of Council with the King in the said Court. Of this Court, Gwin, in

the Preface to his Readings, saith thus, The Court of the Dutchy, or County-Palatine of Lancaster, grew out of the Grant of King Edward the Third, who gave the Dutchy to his Son John of Gaunt, and endowed it with such Royal Right as the County-Palatine of Chester had. And for as much as it was afterwards extinct in the Person of Henry the Fourth, by reason of the Union of it with the Crown; he separated the Dutchy from the Crown, and settled it in the natural Person of himself and his Heirs. In which estate it continued during the Reigns of H. 5. and H. 6. that descended of him: But when Edward the Fourth, by Recovery of the Crown, recontinued the Right of the House of York, he appropriated that Dutchy to the Crown again; and yet so, that he suffered the Court and Officers to remain as he found them: And in this manner it came together with the Crown to Henry the Seventh, who again separated it, and so left it to his Posterity, who still enjoy it.

Dyke-reeve, An Officer that hath the Over-sight of the Dykes and Drains in *Deeping Fens*, &c. mentioned 17 & 18 Car. 2. cap. 11.

Dynge-thrift, An old Play or Sport, of which it is now hard to derive the Name, or to define the Thing. There is a Letter directed to the Official of the Archdeacon of Richmond, for censuring one *William Baker*, Chaplain of Ripon, upon several Articles exhibited against him, of which one run thus; — *Item fuit Inventor principalis cufuslam ludi pestiferi & a jure reprobat, qui in vulgari dicitur Dynge-thrift, qui se Magistrum & Abbatem illius ordinis fecerat nominari, & pro tali se gessit, & quam plurimos tam Clericos quam Laicos apud Ripon illo ludo noxio & damnofo informavit.* — Dat. 16. Kal. Nov. 1311. Collesan. Matth. Hutton S. T. P. ex Reg. Grensfeld Archiep. Ebor. MS.

Dytinum, Ditenum. A *Dittany*, *Ditty* or Song. Whence *venire cum toto ac pleno dyteno*, was, to sing Harvest home. *Homines de Henyngdon ad curiam Domini singulis annis inter festum S. Michaelis & S. Martini venient cum toto ac pleno dyteno sicut ballennu consueverunt.* Paroch. Antiquit. p. 320.

E.

E. *Non solum est litera sed propositio etiam & per se* & in compositione significans Anglice (out) as it fers out of Court; *Ejicio* to cast out, and the like.

Calderman or **Caldoiman**, *Aldermannus*, Among the Saxons was as much as *Earl* among the Danes, *Cambd. Brit. pag. 197*. It is as much as an *Elder* or *Statesman*, call'd by the Romans *Senator*, who were rather Counsellors at large, than bestowed upon any particular Office, as *Comites* were, see *County*. And that signification we retain at this day almost in all our Cities and Boroughs, calling those *Aldermen* that are Associates to the chief Officer in the Common-Council of the Town, 24 H. 8. cap. 13. Or sometime the chief Officer himself, as in *Stamford*.

Calleshorda, The Privilege of assisting and selling Ale or Beer. As among the Liberties granted by Henry the Second, to the Abby of *Glastonbury* — *habeat quaque eadem Ecclesia suam & suam, on Stronde and on Streme, on Wode and on Felde, on Grithbriche, on Burghbrich, Hundred. Sorene, Adaa and Ortelas, Ellehorda busa Gerden, &c.* Cartular. Abbat. Glaston. MS. fol. 14.

Eahtayn, In the Saxon Laws of King *Ethelred*, cap. 6. — *Et si Eahtayn occidatur, pertineat infra illa Pacia intra curiam, vel ad mentiam ejus, Eahtayn perfolvatur plena vera.* Mr. Semner interprets

Eahtayn to be *Eight Men*, or such a Number, slain; but I suppose the Word is rather meant *Heah-Tain*, a High Thane or Superior Lord, the Penalty on whose Murder was augmented in Proportion to his Quality.

Earl, **Comes**, According to *Lambert*, in his Explication of Saxon Words, *verbo Paganus*, is Saxon, and he interpreteth it *Satrapam*. *Verslegan* in his Relation of decayed Intelligence, deriveth it from two Dutch Words (*Ear*, that is, *Honor*;) and *Ethel*, that is, *Noble*: But whencesoever it is derived, this Title in ancient time was given to those that were Associates to the King in his Counsels and Martial Actions; as *Comes* was to those that followed the Magistrates in *Rome*, and executed their Offices for them as their Deputies, and dyed always with the Man. And the ancient manner of their Creation, was only *per circulum gladii comitatus*, without any formal Method of Creation. But the Conqueror, as saith *Cambden*, gave this Dignity in Fee to his Nobles, annexing it to this or that County, and allotted them for their Maintenance a certain proportion of Money rising from the Princes Profits, for the Pleadings and Forfeitures of the Province. For Example, He bringeth an ancient Record in these Words, *Henricus 2. Rex Anglia his verbis Comitum creavit. Scitis nos fecisse Hugonem Bigot comitem de Norfolk sc. de tertio denario de Norwic. & Norfolk, sicut aliqui comes Anglia liberius comitatum suum tenet, which Words (saith the same Author) an old Book of *Battel Abby* thus expoundeth, *Consuetudinaliter per totam Angliam nos antiquitus inolverat. Comitatus provinciarum tertium denarium sibi obtinere, inde Comitatus disti.* Ferne, pag. 12. says, One Duke or Earl had divers Shires under his Government, and had Lieutenants under him in every particular Shire called a *Sheriff*; and this appears by divers of our ancient Statutes, as namely by the Sentence of Excommunication pronounced by the Bishops against the Infringers of *Mag. Charta* and *Charta de Foresta*, Anno 38 H. 3. *Roger Bigot* is named Earl both of *Norfolk* and *Suffolk*, and 1 E. 3. *Thomas Earl* of *Lancaster* and *Leicester*, *Humphrey Bohun Earl* of *Hereford* and *Essex*, *Dyer*, fol. 285. num. 39. At this day, as long since, the Kings of England make Earls by their Charters, but give them no Authority over the County, nor any part of the Profit arising of it, but only some annual Stipend out of the Exchequer, rather for Honors-sake, than any great Commodity; the Solemnity of their Creation is set down at large in *Stowes Annals*, pag. 1121. Their Place is next after a Marquess, and before a Viscount. See more on this Subject in *Spelman's Glossary*, *verbo Comitatus*, and in his *Treat of Feuds*, cap. 6. and in *Seldens Titles of Honor*, fol. 676. and see *Countess*.*

Earles. See *Arles*.

Easement, *Aismentum*, Is a Service which one Neighbour hath of another by Charter or Prescription, without Profit, as a Way through his Ground, a Sink, or such like, *Kitchin*. fol. 105. which, in the Civil-Law, is called *Servitus predii*, *Glanvil*, lib. 12. cap. 14.

Eahtintus, An Easterling, *Sax. East-Tyne*, Easterly Coast or Country. In the Laws of King Edward the Elder — *Si sit Eahtintus, si sit North-tintus, amendet sicut scriptura pacis continet* — where I am apt to think, *Eahtintus* was rather meant *Eastintus*, and *Northintus*, *Nordintus*, i. e. whether he lived on the East side of the River *Tine*, or on the North.

Ebba, *Ebb*, or low Tide. — *Si extra regnum in peregrinatione fuerit, Dilacionem habebit 40 dierum, & duorum solidorum & unius ebbæ, quia de ultra mare, &c.* *Bracton*. lib. 4. tract. 1. cap. 5. *In quibus essentia dabitur dilatio ad minus 40 dierum & unius fud & unius ebbæ.* ib. lib. 5. tract. 2. cap. 2.

Eb.

Ebdomadarius, An Officer in Cathedral Churches, appointed weekly to supervise the regular Performance of divine Service and other Duties, and to prescribe the particular Office of each Person attending in the Choir, what Part he is to bear for that Week in reading, singing, praying, &c. To which purpose the said Ebdomary or Weeks-man, at the Beginning of his Week, drew up a Form or Bill of the respective Persons and their several allotted Duties, called *Tabula*, and the Persons there entred were called *Intabulari*. — This appears particularly in the Statutes of the Church of *Pauls*, digested by *Ralph Baldok*, Dean, anno 1295. MS. penes Joh. Epif. Norwic.

Eberemorth, Bare or right-down Murder, *Eberemurder*. — *Be his placitis quadam emendatur centum solis, quadam vera, quadam wita, quadam non possunt emendari qua sunt Husbreche, & Bernece, & Openthes, & Eberemorth* — *Leges Hen. 1. cap. 12.*

Eberemurder, *Apertum murdum*, Was one of those Crimes, which by Henry the First's Laws, cap. 13. *Emendari non possunt, hoc ex scelerum genere fuit nullo pretio expiabilem, &c. Spelm.*

Ecclesia, A Church or Place set apart, and consecrated to the Service of God. But Fitzherbert will have it only to intend a Parsonage, *Nat. Brev. 32.* When the question was, whether it was *Ecclesia sive capella, &c.* The issue was, whether it had *Baptisterium & Sepulturam*; For if it had right to administer the Sacraments, and for *Sepulture*, it was in Law adjudged a Church, *Trin. 20 E. 1. in Banco Rot. 117. 2. Inst. fol. 363.*

Ecclesia, The Image or Sculpture of a Church, which was often cut out or cast in Plate or other Metal, and preserv'd as a religious Treasure or Relique. As in the Visitation of the Treasury of the Church of *St. Paul*, anno 1295. — *Duo turribus argentea, exterius totaliter deaurata, cum opere gravato & levato, cum ecclesiis & turribus & sexdecim campanellis argenteis appensis, & catenis albis argenteis, ponderis 11. marc. 10. den. &c. Mon. Angl. tom. 3. p. 309.*

Ecclesiastical persons, Are either regular or secular; Regular are such as lead a Monastick Life, of this sort are Abbots, Priors, Monks, Friars, &c. Secular are those whose ordinary Conversation is among those of the World, and profess to take upon them the Cure of Souls, and live not under any Rule of Religious Orders: Such are Bishops, Parish-Priests, &c.

Eder, A Hedge. *Eder-breche*, The Trespass of Hedge-breaking. Sax. *Eador-brge*, which occurs in the Laws of King *Alfred*, cap. 45.

Ecclesia. — *Sciunt quod ego Adam de Mohaut comessi Domino Johanni de Barker pro servitio suo totam terram cum edeliis, & cum omnibus pertin. suis. Ex Regist. Priorat. de Wormley. Perhaps from Affiamens, Easements.*

Ecia. — *Qualiter quoque onera incumbentia Regi & Regno levius ad Ediam communis supportari poterant.* — *Henr. Knyghton. lib. 5.* The learned *Du Fresno* interprets it *Aid*, Auxilium. But it is indeed meant of *Ease*, from the Saxon *Eath*, and in *Westmorland* they still say *Eathy* for *Ease*.

Ecele-fares, alias *Ecele-vare*, 25 H. 8. Be the Fry or Brood of *Eles*.

Eccrators, Is a Latine Word, properly signifying *Breakers*; the Law termes them *Burglars*, that break open Houses to steal.

Ecfusto sanguinis, The mulct, Fine, Wite, or Penalty imposed by the old English Laws for the shedding of Blood, which the King granted to many Lords of Mannors. As among the Privileges granted to the Ab-

by of *Glastonbury*. — *Abbas & Conventus habent namin verita hutesum levatum, & effusionem sanguinis.* — *Cartular. Abbat. Glaston. MS. fol. 87. a.*

Egyptians, *Egyptiani*, We commonly call them *Gypsies*, and by our Statutes, and the Laws of England, are a counterfeit kind of Rogues, that being English or Welsh People, accompany themselves together, disguising themselves in strange Habits, blacking their Faces, and Bodies, and framing to themselves an unknown Language, wander up and down, and under pretence of telling Fortunes, curing Diseases, and such like, abuse the ignorant common People, by stealing all that is not too hot or too heavy for their carriage, *Anno 1 & 2 Phil. & Mar. cap. 4. and 5 Eliz. cap. 20.* These are like those whom the *Italians* call *Cingari*, spoken of by *Franciscus Leo* in *his thesouro sori Ecclesiastici*, part. prim. cap. 13.

Eia, An Island, an Eyt, Sax. *Eage*. Hence the Termination of *Rumes-eia*, *Schepe-eia*, and many other English Islands. Hence the French borrow their *Eau*, Water.

Ejectione custodie, *Ejectment de gard*, Is a Writ which lieth properly against him that casteth out the Guardian from any Land during the Minority of the Heir, *Reg. Orig. fol. 162. F. N. B. fol. 139. Termes de la Ley, verbo Gard*. There be two other Writs not unlike this, the one is termed *Droit de gard*, or Right of Ward; the other *Ravishment de gard*, which see in their places.

Ejectione firme, Is a Writ which lieth for the Lessee for term of Years, that is cast out before his term expired, either by the Lessor or a Stranger, *Reg. Orig. fol. 227. F. N. B. fol. 220.* See *Quare eject infra terminum*, and the *New Book of Entries, verbo Ejectione firme*.

Ejectum, *Ejectus Maris*. *Quod e mari ejcitur*. Jet-Jetson, Wreck. — *Et si de navi taliter periclitata aliquis homo vivus evaserit, & ad terram venerit, omnia bona & catalla in navi ista contenta remaneant, & sint eorum quorum prius fuerant & eis non depercant nomine ejecti.* — *Si vero infra praedictum terminum nullus venerit ad exigenda catalla sua tum nostra sint, & heredium nostrorum nomine ejecti, vel alterius qui libertatem habet ejectum habendi.* *Cart. Henrici Reg. Angl. anno 1226.*

Eigne, French, *Aisne*, *Maximus nazu*, The fust born as *Bastard Eigne*, and *Mulier puisne*, *Lit. fess. 399.* See *Mulier*.

Einceta, Is borrowed of the French *Aisne*, *Primogenitus*, and signifies in the Common-Law *Eldership*. *Stat. of Ireland, 14 H. 3. Skene de verbor. Significatio, verbo Eneya*, says, That in the Statute of *Marlbridge*, cap. 9. made in the time of H. 3. It is called *Entia pars hereditatis*: And likewise in another place of the same King, *Jus esuicie*, that is, in proper Latine, *Jus primogeniture*. See *Entia pars*, and *Esuecy*.

Eyre alias *Eire*, From the old French word *Eire*, that is, *Iter*, a Journey, as *a grand Eire*, that is, *Magnis itineribus*. It signifies in *Britton*, cap. 2. the Court of Justices *Itinerant*. And Justices in *Eyre* are those only which *Bracton* in many places calleth *Justiciarios itinerantes*, of the *Eyre*, and *Lib. 3. tract. 2. cap. 1. 2. fassit*, The *Eyre* also of the Forest is nothing but the Justice-seat otherwise called, which is or should by ancient Custome be held every three Year by the Justices of the Forest, journeying up and down to that purpose, *Crompt. Jur. fol. 156. Manwood's Forest Laws, cap. 24.* Read also *Skene de verb. Signif. verbo Iter*, whereby as by many other places, you may see great Affinity between these two Kingdoms in the administration of Justice and Government. See *Justices in Eyre*.

Election, Is, when a Man is left to his own free Will to take or do one thing or another, which he pleases. As if A. covenants to pay B. a pound of Pepper or Saffron before *Whitsontide*; it is at the *election* of A. at all times before *Whitsontide*, which of them he will pay; but if he pays it not before the said Feast, then afterwards it is at the *election* of B. to have Action for which he pleases. *Dyer, fol. 118. pl. 104. 21 H. 7. 19. Co. lib. 5. fol. 59. and lib. 11. fol. 51.*

Election de Cleric, *Electione Clerici*, Is a Writ that lyeth for the choice of a Clerk assigned to take and make Bonds called *Statute-Merchant*, and is granted out of the Chancery, upon suggestion made, that the Clerk formerly assigned is gone to dwell in another place, or hath hindrance to let him from following that business, or hath not land sufficient to answer his Transgression, if he should deal amiss, &c. *F. N. B. fol. 164.*

Eleemosina, Alms. *Dare in puram & perpetuam eleemosinam*, to give in pure and perpetual Alms, or in *Frank-Almogne*, as Lands were commonly given to religious Uses, and so discharg'd from military Services, and other secular Burdens.

Eleemosinaria, The Place in a religious House, where the common Alms were deposited, and thence by the Almoner distributed to the Poor. In old Engl. the *Auxerie*, *Aumbry*, *Amby*, which in the North they now use for a Pantry or Cup-board, as the Welsh do *Alinari*, yet the Word *Eleemosinaria* was sometimes taken for the Office of Almoner, to which, as to other Offices, there were peculiar Rents allotted, as — *Decima predicti molendini Eleemosinaria Sancti Augustini solvatur. Will. Thorne inter X. Scriptor. sub anno 1128.*

Eleemosinarius, The Almoner, or peculiar Officer who received the Eleemosinary Rents and Gifts, and in due method distributed them to pious and charitable Uses. There was such a chief Officer in all the religious Houses. The greatest of our English Bishops had their peculiar Almoners, as in the Council of Oxford, anno 1122. *Statut. cap. 2. and Lincolns Provincial, lib. 1. tit. 12.* The Dignity and Duty of Lord Almoner to the Kings of England is described in *Fleta, lib. 2. cap. 23.*

Elegit, (so called from the words in it, *Elegit si bi liberari*) Is a Writ Judicial, and lyeth for him that hath recovered Debt or Damages in the Kings Court against one not able in his Goods to satisfy, and directed to the Sheriff, commanding him that he make delivery of half the Parties Lands or Tenements, and all his Goods, Oxen and Beasts for the Plough excepted, *Old Nat. Brov. fol. 152. Reg. Orig. 299. & 301.* And the Table of the Register Judicial, which expresseth divers uses of this Writ: In the *New Terms of the Law* it is said, That this Writ should be sued within the year. The Creditor shall hold the moiety of the said Land so delivered unto him, till his whole Debt and Damages are satisfied, and during that term he is Tenant by *Elegit*, *Westm. 2. cap. 18.* See *Co. on Lit. fol. 289. b.*

Elf-Arrows, Flint Stones sharpened and jagged of each side, in shape of Arrow Heads, made and used in War by the ancient Britains, of which several have been found in England, and greater plenty in Scotland, where they call them *Elf-Arrows*, and do imagine they drop from the Clouds.

Elke, A kind of Ewe to make Bows of 32 H. 8. cap. 9.

Elopie, In French *Eloigner*, To remove or send away. So the word is used 13 E. 1. cap. 15. If such as be within age be *eloined*, so that they cannot sue personally, their next Friends shall be admitted to sue for them.

Elopement, Is when a married Woman departs from her Husband, and dwells with an Adulterer, for which, without voluntary reconciliation to the Husband, she shall lose her Dower by the Statute of *Westm. 2. cap. 34.* according to these old Verses.

*Sponse virum Mulier fugiens & Adultera facta
Dote sua caret, nisi sponso sponse retracta.*

Nor shall the Husband in such case be compelled to allow her any Alimony.

Emblements, Be the profits of Land which have been sowed; but the word is sometimes taken more largely for any Profits that arise and grow naturally from the Ground, as Grass, Fruit, Hemp, Flax, &c. If Tenant for life sow the Land, and afterwards dye, the Executor of the Tenant for life shall have the *Emblements*, and not he in Reversion: But if Tenant for years sow the Lands, and before he hath reaped, his term expires, there the Lessor, or he in Reversion, shall have the *Emblements*. See *Co. lib. 11. fol. 51.* and although it is commonly held, that if a man leases Lands at will, and after the Lessee sows the Land, and then the will is determined, that the Lessee shall have the *Emblements*; yet if the Lessee himself determines the Will before the leverage of the Cota, he shall not have the *Emblements*. See *Co. lib. 5. fol. 116.*

Emblers of Gentz, This word occurs in *Rat. Parl. 21 E. 3. n. 62.* where divers Murders, *Emblers of Gentz*, Robberies, &c. It comes from the French *Embler*, to steal, and seems to signify stealing from or robbing the People.

Embracero or **Embracour**, 19 H. 7. 13. Is he that when a matter is in Tryal between Party and Party, comes to the Bar with one of the Parties (having received some Reward so to do) and speaks in the Case, or privily labors the Jury, or stands there to surveigh or over-look them, thereby to put them in fear and doubt of the matter; the Penalty whereof is 20 l. and Imprisonment at the Justices Discretion by the aforesaid Statute. But Persons learned in the Law may speak in the Case for their Clients.

Embracery, Is the offence of an *Embracour*, to pre-instruct the Jury, &c. is *Embracery*, *Noy's Rep. fol. 102.*

Embre or **embring days**, 2 & 3 E. 6. cap. 19. Are those by the ancient Fathers called *Quatuor Tempora*, and of great Antiquity in the Church, being observed on the Wednesday, Friday, and Saturday next after *Quadragesima Sunday*, *Whitsunday*, *Holy-rod-day* in September, and *St. Lucy's-day* in December. They are mentioned by *Britton*, cap. 53 and others. *Co.* in his *Inst. part 3. fol. 203.* saith, These *embring-days* are the week next before *Quadragesima*; which must needs be a great mistake in the Printer, for it is not possible that learned man could be ignorant in a thing so well known.

Emendals, *Emenda*, Is an old word still used in the Accounts of the *Inner-Temple*, where so much in *Emendals* at the Foot of an Account, signifies so much in bank in the stock of the House for the supply of all emergent Occasions: *Spelman* says it is that, *Quod tributur in restaurationem damni.*

Emendare, *Emendam solvere*, To make amends or Satisfaction for any Crime or Trespass committed. — *Domino Regi graviter emendare debent.* *Leges Edw. Confess. cap. 35.* Hence a capital Crime, not to be atoned by Fine or pecuniary Composition, was said to be *inmendabile*. *Leges Kanuti, p. 2.*

Emendatio, The Power of amending and correcting Abuses, according to stated Rules and Measures.

tures. As *Emendatio Panis*, the Power of *Aluage*, *Aulage*, *Ulnage*, or looking to the Assise of Cloath, that it be of the just Ell or due Measure. *Emendatio panis & cervisie*, the assising of Bread and Beer, or the Power of supervising and correcting the Weights and Measures of them, a Privilege granted by the King to Lords of Mannors, which gave occasion to the present Office of *Alt-Taster*, appointed in every Court-Lere, and sworn to look to the Assise of Bread, Ale, or Beer, within the Precincts of that Lordship. — *Ad nos spectat emendatio panis panis & cervisie & quicquid Regis est excepto mureredo & latrocinio probato.* — Paroch. Antiquit. p. 196.

Emissarius, A Steed, a Stallion. *De Emissario, cui insederat, cecidit.* Matth. Westm. sub anno 1014. — *ab ipso vulneratus in brachio de suo dejectus est Emissario.* ib. sub anno 1079.

Empanel, *Impanellare* vel *ponere in Assis*, & *Juratis*, Cometh of the French *Panne*, i.e. *Pellis*, or of *Panneau*, which denotes as much as *Pane* with us, as a *Pane* of Glass, or of a Window: In Law it signifieth the writing and entering the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, which he hath summoned to appear for the Performance of such publick Service as Juries are employed in. See *Panel*.

Emparance, *Licentia interloquendi*, Cometh of the French *Parler*, to talk, and in the Common-Law signifieth a Desire or Petition in Court, of a day to pause what is best to do. The *Civilians* call it *Petitionem induciarum*. And *Kitch.* fol. 200. interprets it in these words, if he *impart*, or pray continuance; when praying continuance is spoken *interpretative*. And fol. 201. he mentions *emparance general*, and *emparance special*; *Emparance general* seemeth to be that which is made only in one word, and in general terms. *Emparance special*, where the Party requires a day to deliberate, adding also these words, *Salvis omnibus advantageis cum ad jurisdictionem Curia quam ad breve & narrationem* — or such like. *Britton*, cap. 53. useth it for the Conference of a Jury upon the cause committed to them. And an *Emparance* or Continuance is thus entred, *Et modo ad hunc diem, scilicet diem veneris, &c. ipso eodem Terminis usque ad quem diem predictus A. habuit licentiam interloquendi, &c.* See *Imparance*.

Empowerment. See *Improvement*.

Encheson, Is a French word much used in our Law Books, as in that Statute 53 E. 3. cap. 3. and it signifies as much as the Occasion, Cause or Reason for which any thing is done. So it is used by *Stamf.* lib. 1. cap. 12. in his Description of a *Droiland*. *Skene de verbor. Signif. verbo Encheson*, says, That *Edward*, the first King of England, *Westm.* 1. cap. 6. *Statutis & Ordinibus*, That no man shall be an *Merchande*, with an reasonable *Encheson*.

Enroachment, or *Accroachment*, Cometh from the French word *Acrocher*, to pull or draw to, and it signifies an unlawful gaining upon the Rights or Possessions of another: For example, If two Grounds lying together, the one presseth too far upon the other; or if a Tenant owe two shillings Rent-service to the Lord, and the Lord taketh three. See *Co.* 9. *Rep.* fol. 33. *Bucknall's Case*. So it is said, That *Hugh Spencer* the Father, and *Hugh Spencer* the Son, *enroached* unto them Royal Power and Authority, *Anno 1 E. 3. in proem.*

Enditement or *Inditment*, *Indictamentum*, Cometh of the French *Enditer*, *indicare*; or according to *Mr. Lambert*, from the Greek *ἐνδίκτυμα*, *Eirenar.* lib. 4. cap. 5. pag. 468. It signifies in our Common-Law as much as *Accusatio* in the Civil Law, though in some points it differ, *West.* part. 2. *Symb. tit.* *Inditements*,

defineth it thus, An *Inditement* is a Bill or Declaration made in form of Law (for the benefit of the Commonwealth) exhibited as an Accusation of one for some Offence, either criminal or penal unto Jurors, and by their Verdict found and presented to be true, before an Officer having power to punish the same Offence. It seems to be an Accusation, because the Jury that enquireth of the Offence, doth not receive it, until the Party that offereth the Bill appearing, subscribe his Name, and proffer his Oath for the truth of it. It is always at the Suit of the King, and differs from an Accusation in this, that the *Preserrer* is no way tyed to the Proof thereof upon any Penalty, if it be not proved, except there appear Conspiracy. See *Smith de Rep. Angl. lib. 2. cap. 19. Stamf. pl. cor. lib. 2. cap. 23, 24. & sit usque ad 34.* *Enditments* of Treason ought to be very exactly and certainly penned, *Co.* 7. *Rep.* *Calvin's Case*; and they must contain the day, year, and place. See 37 H. 8. cap. 8 and 3. par. *last.* fol. 134.

Endowment, *Dotatio*, Signifieth the giving or assuming of Dower to a Woman; for which see more in *Dower*: But it is sometimes by a Metaphor used for the setting or severing of a sufficient portion for a Vicar towards his perpetual Maintenance, when the Benefice is appropriated, and so it is used in the Statutes, 15 R. 2. cap. 6. and 4 H. 4. cap. 12. See *Appropriation*.

Endowment de la plus belle part, Is where a man dying Teised of some Lands holden in Knights-service, and other some in Socage, the Widow is sped of her Dower rather in the Socage-Lands, than those holden in Knights-service, as being *de plus belle part*, the fairer part of which read *Littleren* at large, *Lib.* 1. cap. 5.

Enfranchis, Is to make Free, to incorporate a Man into a Society or Body-Politic, or to make one a free *Denizen*.

Enfranchisement, Cometh of the French word *Franchise*, *libertas*, and signifies the incorporating of a Man into any Society, or Body-Politic: For example, He that by Charter is made *Denizen of England*, is said to be *enfranchised*; and so is he that is made a Citizen of London, or other City, or Burghs of any Town Corporate, because he is made partaker of those Liberties that appertain to the Corporation, whereinto he is *enfranchised*: So a Villain is *enfranchised*, when he is made free by his Lord, and made capable of the benefits belonging to free men. And when a man is thus *enfranchised* into a City or Burrough, he hath a Free hold in his Freedom for his Life; wherefore, whatever shall be the cause of his *disfranchisement*, ought to be a Fact, and not only an endeavouring or enterprising; what shall be sufficient cause to *disfranchise* a Free-man, and what not. See in *Co.* 11. *Rep.* fol. 91. *Bagg's Case*.

Engleceery, *Englecheery*, *Englecheire* or *Englecheery*, In Latine *Englecceria*, Is an old word, signifying nothing more than to be an *English man*. For example, If a man were privily slain or murder'd, he was in old time accounted *Francigena*, which word comprehended every Alien, until *Engleceery* were proved, that is, until it was made manifest that he was an *English man*, *Bract.* lib. 3. tract. 2. cap. 15. fol. 134. The original whereof was this, *Canutus* the Dane being King of England, having settled his Estate in Peace, at the Request of his Lords, discharged the Land of his Armies, upon condition, That whoever should kill an Alien, should be liable to Justice; and if the Manslayer escaped, the Town where the Man was slain should forfeit 66 Marks to the King, and if the Town was not able, then the Hundred should pay: And further, that every Man murdered should be accounted

Francigena, except *Engletery* were proved; the manner of which see *Bract. ibid. cap. 15. num. 7.* See also *Hornes Mirror of Just. lib. 1. cap. Of the Office of Coroners, and Flein. lib. 1. cap. 30.* This *Engletery*, for the Abuses and Troubles that were afterwards perceived to grow by it, was utterly taken away by 14 Ed. 3. cap. 4. See *Co. lib. 7. fol. 16. Calvin's Case.*

Enheritance. See *Inheritance.*

Enitia pars. See *Vineia.*

Enpleet, Was anciently used for implead. — May enpleet and be enpleeted in all Courts. *Mon. Angl. vol. 2. f. 412. b.*

Enquest, Latine Inquisitio, Is the same with the French word, and all one in signification: Howbeit it is especially taken for an Inquisition by our Jurors, or a Jury, which is the most usual tryal of all Causes both Civil and Criminal within this Realm; for in Causes civil, after proof is made on either side, of so much as each Party thinketh good for himself; if the doubt be in the Fact, it is referred to the discretion of twelve indifferent Men, empanelled by the Sheriff for that purpose, and as they bring in their Verdict, so Judgment passeth; For the Judge saith, The Jury findeth the Fact thus, and the Law is thus; For the *Enquest* in Criminal Causes, see *Jury, and Smith de Rep. Angl. lib. 2. cap. 19.* An *Enquest* is either *ex officio*, of Office, or at the mise of the Party, *Stamf. pl. cor. lib. 3. cap. 12.* This word is used in the Statutes of 25 E. 3. cap. 3. 28 E. 3. 13. and almost in all Statutes that speak of Trials by Jurors.

Ensignè, French, Saignè, Blooded, let blood. — *Si vicani ensigne fuerit, duas neller solumodo habebit quietis, communionem non amittat.* Stat. Ecclesie Lichfield. in *Mon. Angl. tom. p. 244.* The Word was likewise used substantively for bleeding, or blood-letting, as — *Quod solum quatuor vicarii videlicet duo ex utraque parte chori quolibet mense solum ensigne recipient in festis tum trium quam novem lesionum.* — *ib.*

Entagle, Foddum talliatum, Cometh of the French *Entail, i. e. infusus* and in the Common-Law is used as a Substantive abstract, signifying *Fee-tail, or Fee-installed.* Littleton in the second Chapter of his Book draweth *Fee-tail* from the Verb *Talliare*, (an obsolete and superannuated word, I am sure, if any,) whereas in truth it must come from the French *Taille, scilicet, or teller, scindere;* and the reason is manifest, because *Fee-tail* in the Law is nothing but *Fee* abridged, scantied or curtailed, or limited or ryed to certain Conditions. *Taille* in France is metaphorically taken for a Tribute or Subsidy, *Lupanus de Magistratibus Francorum, lib. 3. cap. Tailen.* See *Fee, see Tail.*

Entendment, Cometh of the French word Entendement, intellectus, ingenium. In a legal sense it signifies as much as the true meaning or signification of a word or sentence. See for this *Kitchin, fol. 244.* When a thing is in doubt, then sometimes by *entendment* it shall be made out: As if an Inquisition be found before a Coroner, that a man was murdered at *A*, which is a Liberty, and it is not said in the Inquisition at *A*, within the Liberty of *A*, yet it shall be good by *entendment*; for peradventure the Liberty may extend beyond the Town, *Co. lib. 5. fol. 121.*

Enterpleder, Interplacitare, Is compounded of two French words, *Entre*, that is *Inter*, and *Pleder*, that is *Disputare*; and signifies in the Common Law as much as *Cognitio prejudicialis* in the Civil, that is, the discussing of a point incidently falling out before the principal Cause can take end: For example, Two several persons being found Heirs to Land, by two several Offices in one County, the King is brought in doubt to which of them, Livery ought to be made, and

therefore first they must *interplede*, that is, formally try between themselves who is the right Heir, *Stamf. Prærog. cap. 12. & 11. Bro. tit. Enterpleder, and Co. lib. 7. fol. 45.*

Entierty or Intierry, A kind of French word signifying *Entireness*; it is *contra-distinguished* in our Books from *moyerty*, and denoting the whole.

Entire Tenancy. Is contrary to *several Tenancy*, signifying a sole Possession in one man, whereas the other signifieth Joynt or Common in more. See *Bro. several Tenancy*, and the *New Book of Entries, verbo Entire Tenancy.*

Entry, Ingressus; Cometh of the French *Entrée*, and properly the taking possession of Lands or Tenements. See *Plowd. Assise of fresh Force in London, fol. 13. b.* It is also used for a Writ of Possession, for which see *Ingressus*, and also read *West Symbol. part 2. tit. Recoveries, sect. 2. 3.* who there shews for what thing it lies, and for what not. Of this *Britton* in his 114 Chap. writeth to this effect, the Writs of *Entry* favour much of the right of Property: As for example, Some be to recover Customs and Services in the which are contained these two words, *Solet & Debet*, as the Writs *Qua Jure*; *Rationalibus divisis*; *Rationabili servitio*, and the like. And in this Plea of *Entry* there be three degrees; The first is, where a man demandeth Lands or Tenements of his own Seisin, after the term is expired. The second is where one demandeth Lands or Tenements, let by another after the term is expired. The third, where one demandeth Lands or Tenements of that Tenant that had *Entry* by one, to whom some Ancestor of the Plaintiff did let it for a term now expired, according to which degrees, the Writs for more fit remedy are varied. And there is yet a fourth form, which is without degrees, and in case of a more remote Seisin, whereunto the other three degrees do not extend. The Writ in the second degree is called a *Writ of Entry in le Per*, and a Writ in the third degrees is called a *Writ of Entry in the Per & Cui*, and the fourth form without these degrees is called a *Writ of Entry in le Poss*, that is to say, after the Disseisin which such a one made to such a one; and if any Writ of *Entry* be conceived out of the right case, so that one form be brought for another, it is abateable. And in those four degrees be comprehended all manner of Writs of *Entry*, which are without number or certainty. Thus far *Britton*, by whom you may perceive that those words, *Solet & Debet*, also those other words, *in le Per*; *in le Per & Cui*; and *in le Poss*, which we meet with many times in the Books shortly and obscurely mentioned, do signifie nothing else but divers forms of this Writ, applied to the case whereupon it is brought, and each form taking his name from the words contained in the Writ, and of this read *Fitzh. Nat. Brev. fol. 193, 194.* This Writ of *Entry* differeth from an *Assise*, because it lyeth for the most part against him who entered lawfully, but holdeth against Law, whereas an *Assise* lyeth against him that unlawfully misseised; yet sometimes a *Writ of Entry* lyeth upon an intrusion, *Reg. Orig. fol. 223. b.* See the *New Book of Entries, verbo Entre brevis, fol. 254. col. 3.* I have also read of a Writ of *Entry* in the nature of an *Assise*. Of this Writ in all his degrees, read *Fleta, lib. 5. cap. 34. & sequent.* Also there are five things which put the Writ of *Entry* out of the degrees, viz. *Intrusion, Succession, Disseisin upon Disseisin, Judgment and Escheat.* 1. *Intrusion*, is where the Disseisor dies seised, and a stranger abates. 2. *Succession*, is when the Disseisor is a man of Religion, and dies, or is deposed, and his Successor enters. 3. *Disseisin upon Disseisin*, is when the Disseisor is disseised by another. 4. *Judgment*, is when one recovers against the Dis-

for. 5. *Escheat*, is when the Disfeisor dies without Heir, or doth Felony, whereby he is attaint, by which the Lord enters as in his Escheat. In all these Cases the Disfeisor or his Heir shall not have a Writ of Entry within the degrees of the *Per*, but in the *Poss*; because in those cases they are not in by Descent, nor by Purchase.

Entrp ad Communem Legem, Is a Writ which lies where Tenant for term of Life, Tenant for term of anothers Life, Tenant by the Curtesie, or Tenant in Dower, aliens and dies, he in the Reversion shall have this Writ against whomsoever is in.

Entrp in casu Probisio, Lies if Tenant in Dower alien in Fee, or for term of Life, or for anothers Life, living the Tenant in Dower, he in the Reversion shall have this Writ, which is provided by the Statute of *Glouc. cap. 7.*

Entrp in casu confirmati, Is a Writ that lies where Tenant for life, or Tenant by the curtesie aliens in Fee, he in the Reversion shall have this Writ by *Westm. 2. cap. 24.*

Entrp ad terminum qui paterit, Lies where a man leases Land to another for term of years, and the Tenant holds over his term; the Lessor shall have this Writ.

Entrp sine assensu Capitali, Lies where an Abbot, Prior, or such as has Covent or Common-Seal, aliens Lands or Tenements of the right of his Church, without the assent of the Covent or Chapter, and dies, then the Successor shall have this Writ.

Entrp causa Patrimonii paterit, Lies where Lands or Tenements are given to a man, upon condition, that he shall take the Donor to his Wife within a certain time, and he does not espouse her within the limited time, or espouses another; or otherwise disables himself, that he cannot take her according to the said condition, then the Donor and her Heirs shall have the said Writ against him, or against whoever else is in the said Land.

Entrusio, Intrusio, Signifieth a violent or unlawful entrance into Lands or Tenements, being utterly void of a Possessor, by him that hath no Right, nor spark of Right unto him, *Bract. lib. 4. cap. 2.* For example, If a man step into any Lands, the Owner whereof lately died, and the right Heir neither by himself, or others, as yet hath taken Possession of them: The difference between an *Intruder* and an *Abator* is this, that an *Abator* entrench into Lands void by the death of a Tenant in Fee; and an *Intruder* enters into Lands void by the death of a Tenant for life or years, *F. N. B. fol. 203. and Co. on Lit. fol. 277.* yet the Book of Entries expresseth Abatement by the Latine word *Intrusionem*, fol. 63. C. which the New Terms of Law calls *Interpositionem aut introitionem per interpositionem*. See *Abatement*, see *Disseisin*, see *Britton*, cap. 65. *Intrusio* is used also for the Writ brought against an *Intruder*, which see in *Fitzh. Nat. Brev. 203.* and of *Marl. cap. ult.*

Entrusio de gard, Is a Writ that lies where the Infant within age entered into his Lands, and held his Lord out: for in this case the Lord shall not have the Writ de *communi Custodia*, but this. *Old Nat. Brev. fol. 90.*

Envoyce. See *Invoice*.

Enure, Signifieth to take place or effect, to be available. As, a Release shall *enure* by way of extinguishment. *Littleton*, cap. *Release*. And a Release made to a Tenant for term of Life, shall *enure* to him in the Reversion.

Episcopalia, Synodals, Pentecostals, and other customary Payments from the Clergy to their Diocesan Bishop; which Dues were formerly collected by the

Rural Deans, and by them transmitted to the Bishop. As in a Charter of *Walter, Bp. of Coventr. and Lichf.* to the Abby of *Derley*, — *Concedimus etiam ut predictus Abbas aut quisque Successor ejus sit Decanus de omnibus ecclesiis* — & *teneat Capitalum* — & *Episcopalia reddat, vel reddere faciat de Ecclesiis decanatus sui*. *Mon. Angl. tom. 3. f. 61.* These customary Impositions were called *Onus Episcopale*, and were by special Privilege remitted to those free Chappels that were built upon the King's Demesne, and exempt from Episcopal Jurisdiction. See *Mr. Kennel's Glossary in Episcopale onus*.

Eques Auratus, Is taken to signifie a Knight, and termed *Auratus*, because anciently none but Knights might beautifie and gild their Armor, or other Habilliments of War, *Fernes Glory of Generosity*, pag. 102. Yet in Law we never use *Eques Auratus*, but *Miles*, and sometimes *Chivalier*, *Co. 4. Inst. fol. 8.*

Equitatura, — *Sciunt* — quod ego *Stephanus de Ebroicis* dedi Ecclesie *S. Leonardi de Pyonia* — *molendinum meum de Froma* — & *predicti Fratres habeant Equitaturam* & *sacrum cum blado vel farina*, &c. *Reg. Priorat. de Warmley. fol. 22. a. penes Ed. Harley, Mil. Baln.* And it seems to signifie here, the Liberty of riding or carrying Grist and Meal from a Mill on Horse-back. *Miles cum equitatura*, is taken for a Knight, with his Horse, Arms, and Furniture.

Equity, *Equitas*, Is of two sorts, and those of contrary effects, for the one doth abridge, and take from the Letter of the Law, the other doth enlarge, and add thereto. The first is thus defined, *Equitas est correctio legis generatim late, quâ parte deficit*. *Equity* is the Correction of the Law generally made in that part wherein it fails, which Correction is much used in our Law: As for example, when an Act of Parliament is made, that whosoever doth such a thing shall be a Felon, and suffer death; yet if a Mad-man, or an Infant that hath no discretion, do the same, that shall not be Felons, nor suffer death therefore. The other *Equity* is defined to be an extension of the words of the Law to Cases unexpressed, yet having the same reason; so that when one thing is enacted, all other things are enacted that are of the like degree: As the Statute which ordains, that in an Action of Debt against Executors, he that doth appear by Distress shall answer, doth extend by *equity* to Administrators; for such of them as shall appear first by Distress, shall answer by *equity* of the said Act, *quia sunt in equali genere*.

Equus Coopertus, A Horse with Saddle and Furniture on him. — *inveniendi pro quolibet feodo unum equum coopertum vel duos discoopertos* — *Inq. 16 Ed. 1. de Baronis de Dunham-Massey.*

Eremitozium, A Hermitage, or desert Place, for the Retirement of Hermits. — *Eremitorium in bosco D. Ducis petiit, ubiq; domum hunc aliquantotempore voluit*. *Henr. Knighton, lib. 5. Loc. Heremitorius* — *Radulphus Heremita locum Heremitorium de Musselwell edificavit.* — *Mon. Angl. tom. 3. p. 18. a.*

Erius alias Iris, Is the flower *de Lys*, whose divers kinds you may read in *Gerard's Herb. lib. 1. cap. 34.* The root of this is mentioned among Merchandise, or Druggs to be garbled, *Anno 1 Jac. cap. 19.*

Eruius, Seemeth to come of the French word *Ermine*. It signifieth a Burr of great price.

Erminstreet, See *Watlingstreet*.

Ernes, The loose scattered Bars of Corn that are left on the Ground after the binding or cocking of it. — *Conductio ad preparandum usque ad caream xxix. seliones ordeli cum les Ernes viii. den.* *Parochial Antiquit. p. 576.* From the old Teuton. *Abr.*

an Ear of Corn, Ernde, Harvest, Ernden, to cut or mow Corn. Hence to *ern*, is in some Place to glean. See Mr. Kennet's Glossary, in *Ernet*.

Errant, Itinerant, May be derived from the old word *Erre*, i. *Iter*: It is attributed to Justices that go the Circuit, *Stam. pl. cor. fol. 15.* and to Bayliffs at large. See *Justices in Eyre and Bayliff*. See also *Eyre*.

Erraticum, A Wair or Stray, erring or wandering Beast. — *Si Erraticum quod vulgo dictum Weredif in curiam Sacerdotis vel Clerici qui in atria manent, venerit, vel in elemosinam ejusdem Ecclesie, vel in atrium, Episcopi erit. Constitut. Norman. A. D. 1080.*

Error, Cometh of the French *Erreur*, and signifieth especially an Error in Pleading, or in the Process, *Bro. tit. Error*. And thereupon the Writ which is brought for remedy of this oversight, is called a *Writ of Error*, in Latine *Breve de Errore corrigendo*, thus defined by *Fitzh.* in his *Nat. Breve. fol. 20.* A Writ of Error is that properly which lyeth to redress false Judgment given in any Court of Record, as in the Common-Bench London, or other City having Power by the King's Charter or Prescription, to hold Plea of Debt above twenty shillings, or Trespas. See the *New Book of Entries, verbo Error*. This is borrowed from the French Practice, which they called *Proposition de erreur*, whereof you may read in *Gregorius de appellatione*, pag. 36. In what diversity of cases this Writ lyeth, see the *Register Original*, in the Table, *verbo. Errore corrigendo*, and *Reg. Jud. fol. 34.* There is likewise a Writ of Error, to reverse a Fine, *West. Symbol. part. 2. tit. Fines, 151.* for preventing abatements by Writs of Error upon Judgments in the Exchequer. See *16 Car. 2. cap. 2.* and *20 Car. 2. cap. 4.* And for redressing and prevention of Error in Fines and Recoveries, see the *Stat. 23 Eliz. cap. 3.* for inrolling them.

Errore Corrigendo. See *Error*.

Esbranchatura, From the French *esbrancher*, to cut off the Branches or Boughs, — *Qui autem foris fecerit in foresta Regis de viridi sive per culpaturam sive per Esbranchaturam sive per conditionem arborum, sive per escuriationem mora sive per essartum, &c. erit in misericordia, &c.*

Escaldare, To scald, as *escaldare porcos*, to scald Hogs. — In the Inquisition of the Sexagenaries and Knights Fees in the 12th and 13th Years of King John, within the Counties of *Essex* and *Hertford*, — *Rogerus de Legburn, & Robertus de Sutton de eo, tenet Bures per forsanjam escaldandi porcos Regis. Lib. Rob. Scaccar. MS. f. 137.*

Escambio, Is a Licence granted to one, for the making over a Bill of Exchange to another over Sea, *Reg. Orig. fol. 194.* For by the Statute of 3 R. 2. cap. 2. No Merchant ought to exchange or return Money beyond Sea, without the Kings Licence.

Escape, Escapium, Cometh of the French *Escapper*, that is, *esfugire*, to fly from, and signifies in the Law a violent or privy evasion out of some lawful restraint. For example, If the Sheriff, upon a *Capias* directed to him, rake one, and endeavour to carry him to the Goal, and he, in the way, either by violence, or by slight break from him, this is called an *Escape*, *Stam. pl. cor. fol. 70.* The same *Stamford* in his *Pleas of the Crown*, lib. 1. cap. 26, 27. nameth two kinds of *Escapes*, the one *voluntary*, the other *negligent*: *Voluntary* is, when one arresleth another for Felony, or any other Crime, and afterward letteth him go whether he listeth. *Negligent escape* is, when one is arrested, and afterwards escapeth against his will that arrested him, and is not pursued by fresh Suit, and taken again before the Party pursuing hath lost the sight of him, *Id. cap. 27.* Of the course of Punishment by the Civil Law in

this point, read in *Practica criminali Claudii de B. at-taindier*, reg. 143. Read also *Crompt. Just. fol. 35, 36, 37.* and *Termes de lay Ley*. There is likewise an *escape* of Baits, and therefore he that by Charter is *Quicquid de escapo* in the Forest, is delivered of that punishment which, by order of the Forest, lyeth upon those whose Beasts he found within the Land forbidden, *Crompt. Jurisd. fol. 196.* See also *Co 3. Reports, Ridgewayes Case, Plowd. Com. Platos Case*.

Eschauderia, The Chandlary, or *Chandry*, the Office where Candles were reposit, and delivered out for domestick Uses. — *Willielmus de Bigod tenet terras & villam de Bures per serientiam Eschauderie & valet villa centum solidos, 11 Hen. 3.*

Exchange or Erchange, Escambium or Excambium, *Hanc terram cambiarit Hugo Briccuno quod modo tenet comes Moriton & ipsum Scambium valet Duplum, Doomsday, vide Exchange.*

Escapium, What comes by Hap, Chance, or Accident. — *Ista quod nec dicti Abbas & conventus vel eorum tenentes aliquid juris clamore possunt in communia pastura — seu in curia canum suorum in ipso bosco nisi forte per escapium eveniat. Cartular Abbat. Glasf. MS. penes Dom. Clarges ex Rade Christi Oxon. f. 67. b.*

Esceppa, A Scepp or Measure of Corn. — *Ricardus de Reuerbia recepit unam bovatum in Sticefordia per idem servitium per annum, excepto quod Esceppa brasii quam debet habere erit de avena. Mon. Angl. tom. 1. p. 823.* See *Sceppa*.

Eschequer, Scaccarium, May be derived from the French word *Eschequier*, i. *abacus, tabula Lusoria*, and signifieth the Place or Court of all Receipts belonging to the Crown, *Polid. Virg. lib. 9. Hist. Ang. saith*, That the true word in Latine is *Statarium*; but it may with more probability be taken from the German word *Schatz*, denoting as much as *Thesaurus* or *Fiscus*. *Bambden* in his *Britannia*, pag. 113. saith, That this Court or Office took the Name from *tabula ad quam assidebant*, proving it out of *Gerwardus Tilburienfis*, the Cloth which cover'd it being particolored or chequered. By the *Grand Customair*, it is brought from the Normans, cap. 56. where you may find it thus described, The *Eschequer* is called an *Assembly of High Justicers*, to whom it appertaineth to amend that which the Bayliffs and other meaner Justifiers have evil done, and unadvisedly judged, and to do do Right to all men without delay, as from the Princes mouth. *Skene de verbis*. Signif. *Scaccarium*, hath out of *Paulus Aemilius* these words, *Scaccarium dicitur quasi statarium, quod homines ibi in jure stantur, vel quod sit stataria & potestis curia cum curia essent indistincta nec nec tempore statat*. Also he addeth further, that it might be called *Scaccarium* a similitudine *Ludi scaccorum*, from the resemblance it has to the Game at *Chess*, many persons meeting and pleading their Causes there, as if they were fighting in an arrayed Battel. And *Smith* deduces it from an old Saxon word *Stara*, signifying *Treasure*, whereof *Account* is made in the *Eschequer*. This Court consisteth, as it were, of two parts, whereof one dealeth especially in the judicij hearing and deciding of all Causes appertaining to the Princes Coiffers, anciently called *Scaccarium computorum*, as *Ockham* testifies in his *Lucubrations*. The other is called *The Receipt of the Eschequer*, which is properly employed in the receiving and paying Money, *Crompt. Jur. fol. 105.* says, It is a Court of Record, wherein all Causes touching the Revenues of the Crown are handled: The Officers belonging to both these, you may read in *Bambdens Brit. cap. Tribunalia Anglie*, to whom I refer you. The Kings *Eschequer* now settled at *Walsingham*, was in divers Counties of *Wales*, 27 H. 8. cap.

cap. 5. but especially 26. and 4. par. *Inst. fol. 103.*

Eſcheat, *Eſcheata*, Cometh of the French *Eſcheoir*, *cadere*, *excideri*, and ſignifieth in a legal ſenſe any Lands, or other Profits, that fall to a Lord within his Mannor by way of Forfeiture, or the death of his Tenant, dying without Heir general or ſpecial, or leaving his Heir within age, and unmarried, *Mag. Charta*, cap. 31. *F. N. B. fol. 143.* *Eſcheat* is alſo uſed ſometimes for the Place or Circuit within which the King or other Lord hath *Eſcheats* of his Tenants, *Bract lib. 3. tract. 2. cap. 2.* & *Pupillo ſculi*, part 2. cap. 22. Thirdly, *Eſcheat* is uſed for a Writ which lyeth, where the Tenant having an Eſtate in Fee-ſimple in any Lands or Tenements holden of a ſuperior Lord, dyeth ſeiſed without Heir general or ſpecial; for in this caſe the Lord bringeth this Writ againſt him that poſſeſſeth the Lands after the death of his Tenant, and ſhall thereby recover the ſame in lieu of his Services, *F. N. B. fol. 144.* Thoſe that we call *Eſcheats*, are in the Kingdom of Naples called *Excadentia*, or *bona excadentia*, as *Baro locat excadentia* eo modo quo locata fuerunt ab antiquo, ita quod in nullo debita ſervitia minuantur & non remittit gadinam debitam, *Jacob de Franchiis in Præluſis ad feudorum uſum*, tit. 1. num. 23. & 29. And in the ſame ſignification, that we ſay the Fee is *eſcheated*; the Feudiſts ſay, *Feudum aperitur*. See *Co. on Lit. fol. 92. b.*

Eſcheat in our Law *Eſcheats* were of two Sorts. 1. *Regal*, thoſe Obventions and Forfeitures which belonged to our Kings by the ancient Rights of their Crown and ſupreme Dignity. 2. *Feodal*, thoſe which did accrue to every Lord of a Fee, as well as to the King, by reaſon of his Seigniority.

Eſcheat of Wood, All the Appendages of Lop and Top, &c. that belong'd to a Tree ſell'd or cut down. *John de Grey*, Biſhop of *Norwich*, gave Liberty to the Monks of his Church, that in his Wood of *Thorp*, habebant unam arborem cum ramis, cortice, coſtellis, radicibus, & tota eſcheata. — *Ex Reg. Eccl. Norwic.*

Eſcheator, *Eſcheator*, Derived from *Eſcheat*, is an Officer that taketh notice of the *Eſcheats* of the King in the County, whereof he is *Eſcheator*, and certiſieth them into the Exchequer. This Officer is appointed by the Lord Treſurer, and continueth in his Office but a Year; neither can any be an *Eſcheator* above once in three years, *Anno 1 H. 8. cap. 8.* and *3 H. 8. cap. 2.* See more of this Officer and his Authority in *Crompton's Juſtice of Peace*, ſee 29 E. 1. The form of his Oath, ſee in *Reg. Orig. fol. 301. b.* *Fitzherbert* calls him an Officer on Record, *Nat. Brev. fol. 100.* becauſe that which he certiſieth by virtue of his Office, hath the credit of a Record. *Officium Eſcheatoria*, is the *Eſcheatorſhip*, *Reg. Orig. fol. 259.* This Office having its chief dependance on the Court of Wards, is now in a manner out of date. See 4. *Inst. fol. 225.*

Eſtoratio Horæ, Paring off the Turf of ſedgy or moorish Ground for burning. *Qui autem foris fecerit in foreſta Regis de viridi, ſive per culpaturam, ſive per eſtraneaturam, ſive per ſodionem turvarum, ſive per eſcoriationem moræ, ſive per culpationem de ſubnovez, &c.* *Rog. Hoveden. Annal. p. 784.*

Eſcuage, *Sentagium*, Cometh of the French *Eſcu*, *cippus*, a Shield. In Law it ſignifieth a kind of Knights-ſervice, called *Service of the Shield*, whereby the Tenant is bound to follow his Lord into the ſcorch or Weiſh Wars at his own charge; for which ſee *Chivalry*. But note, that *Eſcuage* is either uncertain or certain: *Eſcuage* uncertain is properly *Eſcuage* and Knights-ſervice being ſubject to Homage, Fealty, and (formerly) Ward and Marriage; and ſo called, becauſe it is uncertain how often a man ſhall be called to follow his Lord into thoſe Wars, and what his charge

will be in each Journey. *Eſcuage* certain is, when a certain Rent is paid yearly in lieu of all Services, being no further bound then to pay his Rent, call'd a *Knights Fee*, or the fourth part of a *Knights Fee*, according to his Land; and this loſeth the nature of Knights-ſervice, though it hold the name of *Eſcuage*, being in effect but Socage, *F. N. B. fol. 8.* But ſee the *Stat. 12 Car. 2. cap. 24.* for taking away the Court of Wards and *Liveries*, and turning all Tenures into Free and Common Socage. See *Littleton. lib. 2. cap. 3.* and ſee *Capite*.

Eſcurare, To ſcour or cleanſe. — *Proviſo inſuper quod quoslibet & quando necesse erit & opportunum dicta ſoſſata noſtra mundare, purgare, vel eſcurare, licet at nobis & ſucceſſoribus noſtris totam aquam dictorum ſoſſatorum convertere & tranſferre.* — *Carta Thomæ Epilcopi B. W. dat. 29. Oct. 4 Ed. 4.* — *Ex Colleſtaneis Matth. Hutton, S. T. P. MS.*

Eſketores, From the French *Eſcher*. — *Dicunt etiam (Juratores) quod latrones & Eſketores de terra de Morganon intraverunt prædictam terram de Brekennok.* — *Placit. Parl. 20 Ed. 1.* Robbers or Deſtroyers of other Mens Lands or Fortunes.

Eſkenage, The Mayor and Aldermen of *Callice* petition the King to grant them the Aſſiſe of Wine, Ale, Beer, and Bread, within the Jurisdiction of the ſame Town called *la Eſkenage*. *Ror. Parl. 4 Hen. 4.*

Eſkippamentum, *Clauſ. 1 Ed. 1.* whereby the Sea-port Towns were to provide certain Ships. — *Sumptibus propriis & duplici eſkippamento.* *Sir Robert Cotton* englisheth it, double *Skippage*, i. e. double Tackle, or Furniture, as I ſuppoſe.

Eſkippeſon, Shipping or Paſſage by Sea. — *Ceſſe Enderure faite parente his noble home Monſ. Thomas Beauchamp, Counte de Warwyke d'une part, & John Ruſſel Eſcuier d'autre part, & qua le dit John aura Eſkypeſoun convenable pur ſon paſſage & repaſſage outre meer, a caſtages le dit Counte, &c.* Done a *Warwyke 2. Jan. 50 Edw. 3.* And *Humfray*, Earl of *Bucks*, in a Deed dated 13. Febr. 22 Hen. 6. covenant with *Sir Philip Cherwind*, his Lieutenant of the Caſtle of *Calice*, to give him Allowance for his Soldiers *Skippeſon* and *Reſkippeſon*, i. e. Paſſage by Ship, and Repaſſage.

Eſneq, *Eſneqia*, is a Prerogative given to the eldeſt Coparcener, to chuſe firſt after the Inheritance is divided, *Fleta, lib. 5. cap. 10. ſect. in diſpoſitionem. Salvo capitali Meſſungio primogenito filio pro dignitate Eſneqia ſua*, *Glanvil. lib. 7. cap. 3. jus Eſneqia, jus Primogenitura.* *Skene de verb. Sig. Scat. Marlb. cap. 9.* calls it *Enitia pars hereditatis*. See *Co. on Lit. fol. 166. b.*

Eſpealtare, *Expeditare*, To expeditate, which in a proper old Engliſh Term was called *Lawing* of Dogs, and was done two ſeveral Ways; either, firſt, by cutting off the three fore Claws of the Right Foot; Or ſecondly, by cutting out the Ball of the Foot; that ſo by either way the Dogs might be diſabled from hunting or running hard. This Method of preventing Miſchief from Dogs neighbouring on a Foreſt, was invented by *K. Hen. 2.* or at leaſt by him firſt injoin'd in the Aſſiſe of *Woodſtock*, *Artic. 6.* — *Nul-lus dominicos canes Abbatis & Monachorum eſpealtare cogat, verum canes hominum ſuorum intra foreſtam manentium Abbas & Monachi eſpaltari faciunt.* — *Cartular. Abbat. Glaſton. MS. pines Magiſt. Clarges, nuper ex Aede Chriſti, f. 7.* See *Expeditare*.

Eſplees, *Expletia*, perhaps from *Expleo*, Seem to be the full profits that the Ground or Land yieldeth; as the Hay of the Meadows, the Feed of the Paſture, the Corn of the Arable; the Rents, Service, and ſuch like Iſſues. The Profits comprized under this word, the Romans call properly *Acceſſiones*; nam *acceſſionem ea generaliter omnia, qua ex re de qua agitur orta ſunt, ve-*

luti fructus, partus & omnis causa rei & quaecumque, ex re procedunt. And note, that in a Writ of right of Land, Advowson, or such like, the Demandant ought to allege in his Count, that he or Ancestors took the *Esple* of the thing in demand, otherwise the pleading is not good, *Termes de la Ley*.

Esperverius et Sparberius, French, *Esperver*, A Hawk, *Charta Foresti*, cap. 13. *Reddit. solut. W. Talboys Arm ad manerium suum de Keyne pro omnibus serviciis secularibus unum Esperverium, &c. Comput. David Gifferson collat. Reddit. de Wragby, Anno 35 Hen. 6.*

Es-picurnantia, The Office of Spigurnel, or Sealer of the King's Writs. The Word *Spigurnellus*, which *Spelman* and *Du Fresne* recite without interpreting, seems distorted from the Saxon *Sparran*, to shut up or enclose. *Oliver. de Standford*, in 27 E. 1. held Lands in *Nettlebed Com. Oxon. per serjeantiam espicurnantie in cancellaria Domini Regis*. Paroch. Antiquit. p. 292. See Mr. Kennet's Glossary, *ibid.*

Esquiere, *Armiger*, In French *Escuyer*, i. *Scutiger*, was originally such a one attending a Knight in time of War, did carry his Shield; but this addition hath not of long time had any relation to that Office, but signifieth with us a Gentleman, or one that beareth Arms as a Testimony of his Nobility or Gentry, and is a meer Title of Dignity next to and below a Knight. They who by right claim this Title now, are all the younger Sons of Noble-men, the four *Esquires* of the Kings Body; the eldest Sons of all Barons, Knights of the Bath, and Knights Batchelors; Those that serve the King in any Worshipful Calling, such as are created *Esquires* by the King, with a Collar of SS of Silver; the chief of some ancient Families are likewise *Esquires* by Prescription, those that bear any superior Office in the Common-wealth, a Justice of Peace while he is in Commission, and Utter-Barristers. In *Walsingham's History of Richard the Second*, we read of one *John Blake*, who being *Juris Apprenticus*, has the addition of *Scutifer* given him. *Camden* in his *Brit.* fol. 111. having spoken of Knights, hath these words of them, *illis proximi facere Armigeri qui & Scutiferi hemine squad arma dedit, qui vel a clypeis gentilitiis que in nobilitatis insignia gestant; vel qui principibus & majoribus illis nobilibus ab armis erant, women traxerunt, &c.* The learned *Spelman* in his Glossary says, *A princeps sunt Armigeri, vel scripto, vel symbolo, vel munere: Scripto, cum Rex sic quendam constituerit. Symbolo, quum colum ergo aliquid argenteo sigmatico, (hoc est torque ex SS. confecto) adornaverit, cumve argenteis calcariis donaverit. Tales in occidentali Anglia plaga Whitespurs disti sunt. Munere, cum ad munus quendam evocaverit, vel in Aula, vel in Regib. &c.* *Horsman* in the Sixth Chapter of his *Disputations upon the Fiefs* saith, That those which the French call *Esquires*, were a military kind of Vassal, having *Jus scuti*, that is, they bear a Shield, and in it the Ensignes of their Family, in token of their Gentility or Dignity.

Esartum, **Erartum**, **Assartum**, **Affart**, or Woodland broke up or plough'd. — *Placitum quoque Forestarum de Esartis, de cessione, de combustione, de vacatione.* — Leg. Hen. 1. Reg. Angl. cap. 17. See *Affart*.

Esendi quierum de Tolonia, Is a Writ that lyeth for Citizens and Burgesses of any City or Town, that hath a Charter or Prescription to exempt them from Toll through the whole Realm, if it happen the same to be any where exacted of them, *F. N. B.* 226. Reg. Orig. fol. 258.

Essoine, **Essoin**, Cometh of the French *Essoine* or *Essoine*, i. *causarius miles*, he that hath his presence forborn, or excused upon any just Case, as Sickness,

or other Impediment. It signifieth in the Common-Law, the allegation of an excuse from him that is summoned, or sought for to appear, and answer to an Action real, or to perform Suit to a Court-Baron upon just cause of absence: It is as much as *excusatio* with the *Civilians*. The Causes that serve to *essoine* any man summoned, are divers, yet drawn chiefly to five heads; whereof the first is, *Ulra Mare*, whereby the Defendant shall have forty days. The second, *De terra Sancta*, where the Defendant shall have a year and a day, and these must be laid in the beginning of the Plea. The third, *De malo Veniendi*, which is also called, *The common essoine*. The fourth is, *De malo lelli*. And the fifth, *De servitio Regis*. For further knowledge of these, I refer you to *Glanville*, in his whole First Book, and *Bracton*, lib. 5. tract. 2. per totum, and *Britton*, cap. 122, 123, 124, 125. and *Hornes Mirrour of Justice*, lib. 1. cap. de *Essoines*, who maketh mention of some more *Essoines* touching the Service of Kings Celestial, and of some other points not unworthy to be known. Of these *Essoines* you may read further in *Fleta*, lib. 6. cap. 8. & seq. And that these came to us from the Normans, is well shewed by the *Grand Customary*, where you may in a manner find all said that our Lawyers have spoken of this matter, Cap. 39, 40, 41, 42, 43, 44, 45.

Essoines and Proffers Anno 32 H. 8. cap. 21. See *Proffer*.

Estatio de malo lelli, Is a Writ directed to the Sheriff, for the sending of four lawful Knights to view one that hath *essoined* himself *de malo lelli*, Reg. Orig. fol. 8. b.

Establishment of Dower, Seemeth to be the assurance of Dower made to the Wife by the Husband, or his Friends, before or at Marriage; and Assignment is the setting it out by the Heir afterwards, according to the establishment, *Britton*, cap. 102. & 103.

Estache. Ceste eschature tesmoigne que cum illy avoir debate entre eux la foible ou dit A. ad fait planter une Estache de pere & de merve en Selby water, &c. Ex Registr. de Selby, fol. 51. It seems here to be used for a Bridge or Stank of Stone and Timber, from the French *Estacher*, to fasten.

Standard or **Standart**, Cometh of the French *Estandart*, i. *signum, vexillum*. It signifies an Ensigne in War as well with us as with them. But it is also used for the standing Measure of the King to the scantling, whereof all the Measures in the Land, are, or ought to be framed by the Clerk of the Market, *Alueger*, or other Officer, according to their Functions; for it was established by the Statute of *Magna Charta*, Anno 9 H. 3. cap. 9. That there should be put one scantling of Weights and Measures through the whole Realm, which is since confirmed by 14 E. 3. cap. 12. and many other Statutes; (one especially made 17. Car. 1. cap. 29. which says, From henceforth there shall be one Weight, one Measure, and one Yard, according to the *Standard* of the *Exchequer* throughout all the Realm:) It is not without great reason called a *Standard*, because it standeth constant and immovable, and hath all Measures coming towards it for their Conformity: Even as Soldiers in the Field have their *Standart* or Colors, for their direction in their March or Skirmish to repair to. Of these *Standards* and Measures, read *Britton*, cap. 30.

Standard of Money. The *Standard* and *Allay* of old *Esteling*, and the old right *Standard* of *England*, are to be understood thus: A Pound Weight Troy of Gold was divided into twenty four Carats, and every Carat into four Grains of Gold. And a Pound Weight of the old *Sterling*, or right *Standard* Gold of *England* consisted of twenty three Carats, and three

three Grains and a half of fine Gold, and half a Grain of Alloy; which Alloy might be Silver or Copper. Again, a Pound Weight Troy of Silver was then (as it has been ever since) divided into twelve Ounces, every Ounce into twenty penny weight, and every penny weight into twenty four Grains; and every Pound Weight of old Sterling or right Standard Silver of England, consisted then (as it does now) of eleven Ounces and two penny Weight of fine Silver, and eighteen penny weight Alloy. *Vid. Lowndes Essay upon Coins, p. 18.*

Estate, May be deduced from the French word *Estat*, i. *Condicio*, and significeth that Title or Interest which a man hath in Lands or Tenements; as *Estate simple*, otherwise called *Fee simple*; and *Estate-conditional*, or upon Condition, which is as *Littleton* saith, *Lib. 3. cap. 5.* Either upon condition in Deed, or upon condition in Law: *Estate upon condition in Deed* is, where a man by Deed indentured infeoffeth another in Fee, reserving to him and to his Heirs yearly a certain Rent payable at one Feast, or at divers, upon condition, that if the Rent be behind, &c. that it shall be lawful to the Feoffor, and to his Heirs, to enter into the Lands or Tenements, &c. *Estate upon condition in Law*, Is such as hath a consideration in Law annexed to it, though not specified in writing: For example, If a Man grant to another by his Deed the Office of a Parkership for term of his life, this *Estate* is upon condition in the Law, or implied by Law, *viz.* if the Parker shall for long well and truly keep his Park. I read also of an *Estate particular*, which is an *Estate* for Life, or for term of Years, *Perkins Surrenders, 581.*

Estacha frumenti, An old Measure of Corn; perhaps the same with a Strike or Bushel. — *Puteleschurche reddit in gabulo assiso xlii. libr. — & quatuor saxonum & duo estechas frumenti. — Cartular. Abbat. Glasgion. MS. penes Dom. Clarges. f. 40. b.*

Estering. See *Sterling*.

Esoppel, From the French *Esouper*, *oppilare*, *obstipare*, Denotes as much as an Impediment, or bar of an Action, growing from his own Fact that hath, or otherwise might have had his Action. For example, a Tenant maketh a Feoffment by Collusion to one, the Lord accepteth the Services of the Feoffee; by this he debarreth himself of the Wardship of his Tenants Heir. *F. N. B. fol. 142.* Divers other Examples might be shewed out of him, and *Broke hoc titulo, Co. lib. 2. fol. 4.* *Goddards Case*, defineth an *Esoppel* to be a Bar or Hindrance unto one to plead the truth, and restraineth it not to the Impediment given to a man by his own Act only, but by anothers also, *Lib. 3. the Case Of Fines, fol. 88.* There are three kinds of *Esoppel*, *viz.* By matter of Record; by matter in Writing, and by matter in *Puits*; of which see *Co. on Lit. fol. 352.*

Estovers, *Estoverium*, Cometh of the French word *Esouver*, i. *suovere*, and in the sense of the Law significeth Nourishment or Maintenance. For example, *Bracton, lib. 3. tract. 2. cap. 18. num. 2.* useth it for that sustenance which a man taketh for Felony, is to have out of his Lands or Goods for himself and his Family, during his Imprisonment. And the Statute made 6 E. 1. *cap. 3.* useth it for an allowance in Meat or Cloth. It is also used for certain allowances of wood, to be taken out of another mans Woods. So it is used *Westm. 2. cap. 25. Anno 13 E. 1. West. Symb. part 2. tit. Fines, sect. 26.* saith, That the Name of *Estovers* containeth *Houfe-bote*, *Hay-bote*, and *Plough-bote*; as if he have in his Grant these general words, *De rationabili Estoverio in bosis, &c.* he may thereby claim these three. In some Mannors the Tenants have Common of *Estovers* out of the Lords Woods,

and pay a certain small Annual Rent for the same, *Rationabile Estoverium, vide antea Alimony.*

Estrangers, Are sometimes taken for those that are not Privies of Parties to the levying of a Fine; or making of a Deed. Sometimes for those that are born beyond Sea.

Estray, *Extrabura*, From the old French *Estrayeur*, *percurrere* significs any Beast not wild, found within any Lordship, and not owned by any man; for in this case, it being cryed, according to Law, in the Market-Towns adjoining, if it be not claimed by the Owner in a year and a day, it is the Lords of the Soyl. See *Britton, cap. 17. Vide etiam Estrayes in the Forest, 27 H. 8. cap. 7.* and *New Book of Entries, verbo Trespass concernant Estray.* The ancient Law of King *Tha* was, *Diximus de ignatis pcoribus, ut nemo habeat sine testimonio Hundredi, sive hominum Decenne*, that is, the Suiters at a Court-Leet, *Spelm.*

Estruar, *Extractum*, Is used for the true Copy, or Duplicate, of an original Writing. For example, Of Amerciaments or Penalties set down in the Rolls of a Court, to be levied by the Bayliff, or other Officer, of every man for his offence. See *F. N. B. fol. 57. & 76.* and so also it is used, *Westm. 2. cap. 8.*

Clerk of the Estruars, *Clericus extractorum.* See in *Clerk.*

Estrecciat, *Streined*, blockt up. *Inquiratur de viis Domini Regis estrecciat.* — *Placit. Coron. temp. Ric. 1.*

Estragbords, Eastern Boards, or Deals, or Fir, brought from the Eastern Parts for Wainscote and other Uses. — *Et in sex Estragbords, videlicet Waynscots emptis apud Steresbregge 11. Sol. 111. den. Paroch. Antiquit. p. 575.*

Estrepe, French *Estrapier*, i. *Mutilare*: To make Spoil by a Tenant for Life in Lands or Woods, to the prejudice of him in the Reversion.

Estrepiement or **Estrapement**, *Estrapementum*, from the French word *Estrapier*, *mutilare*: It signifies the spoil made by Tenant for life upon any Lands or Woods, to the prejudice of the Reversioner, as namely in the Statute made *Anno 6 E. 1. cap. 13.* and it may seem by the derivation, that *Estrepiement* is properly the unmeasurable soaking or drawing out of the heart of the Land by plowing or sowing it continually, without manuring, or other such usage as is requisite in good Husbandry; and yet *estrepier* signifying *mutilare*, may not improperly be applied to those that cut down Trees, or lop them, farther than the Law will bear. This signifies also a writ, which lieth in two manners; the one is, when a man having an Action depending, (as a *Formedon*, or *Dum suit infra statem*, or *Writ of Right*, or any other) wherein the Demandant is not to recover Damages, sueth to inhibit the Tenant for making wast during the Suit. The other sort is for the Demandant, that is adjudged to recover Seisin of the Land in question, and before Execution sued by the writ *Habere factas seisinam*, for fear of wast to be made before he can get possession, sueth out this writ. See more in *F. N. B. fol. 60, 61. Reg. Orig. fol. 76.* and *Reg. Jud. fol. 33.* In ancient Records we often find *Vastum & extrepamentum facere*; and *Spelman* thinks *Estrapementum vasti genus designare.*

Estate probanda, or rather *Estate probanda*, Is a Writ of Office, and lyes for the Heir of the Tenant that held of the King in chief, to prove that he is of full age, directed to the Sheriff to enquire of his Age, and then he shall become Tenant to the King by the same Services that his Ancestors made to the King. But see the Statute 12 Car. 2. *cap. 2.* for abolishing the *Cours of Wards and Liveries*, which hath in a manner utterly taken away this Writ.

Etheling or **Atheling**, Is a Saxon word signifying Noble, and among the English-Saxon was as the Title of Prince among us, or as the Kings eldest Son, such was *Edgar Atheling* the designed Successor of *Edward the Confessor*.

Evenings, The Deliver at Even or Night of a certain Portion of Grass or Corn, or Under-wood to a customary Tenant, who performs his wonted Service of cutting, mowing, or reaping for his Lord, and at the End of his Days Work, receives such a Quantity of the Materials he works upon, to carry home with him, as a Gratuity or Encouragement of his bounden Service. So in the Mannor of *Burcester, Com. Oxon.*

—*Virgata terre integra eiusdem tenura habebit liberam ad vespertas que vocatur Evenings tantum sicut Falcator potest per falcem levare & domum portare per ipsum.* — *Paroch. Antiquit. p. 401.* — See *Mr. Kenne's Glossary*, at the End of that Work.

Eborwicksire, *Yorkshire*, Heretofore so called, haply derived from the Latine *Eboracum*, from which *Eborac*, and *Eboric* or *Everwick* corruptly is now so strange variation; and the Saxon *Scyre*, which signifies *shire* or *shire*.

Eves-droppers, Are such as stand under Walls or Windows by Night or by Day, to hear News, and to carry them to others, to make strife and debate among Neighbours: These are evil Members in the Common-wealth, and therefore by the Stat. *Westm. 1. cap. 33.* are to be punished. And this Misdemeanor is presentable and punishable in the Court-Leet, *Kirchin, fol. 11.*

Evidence, *Evidentia* Signifies generally any Proof, be it Testimony of Men, Records or Writings. Sir *Tho. Smith* useth in both sorts, *Lib. 2. cap. 17.* in these words, *Evidence* is authentical writings of Contracts after the manner of England; that is to say, written, sealed and delivered: And *Lib. 2. cap. 23.* speaking of the Prisoner that standeth at the Bar to plead for his Life, and of those that charge him with Felony, He saith thus, Then he telleth what he can say; after him, likewise all those who are at the Prisoners Apprehensions, or who can make any proof, which we in our Language call *Evidence* against the Malefactor. It is called *Evidence* because it makes the Issue evident to the Jury; for *Probationes debent esse evidentes & perspicuae*, *Co. on Lit. fol. 283.*

Embair, Spouse-breach, Adultery, from the Saxon *Ewe*, *conjugium*, & *bryce*, *fractio*. The word occurs in the Laws of King *Edmund*, Sect. 4. though in the Edition of *Brompton*, it is falsely wrote *Ewece*. From this Saxon *Ewe*, Marriage, we derive our present English Words to woo, a Woer.

Ewagium, *Carta Regis Johannis Deo & beato Johanni & Hominihus de Beverlaco quod sint quieti de Theobaldo, Sutagio, Passagio, Pesagio, Lastagio, Stalagio, & de Wrec, & de Logan, de Ewagio & de Lene, &c.* *Hillar. 14. H. 3. in Thesaur. Reg. Seacc. Ebor. Rot. 15.* — *Ewagium* is the same with *Aquagium*, from French *Eau*, Water, and signifies Toll paid for Water-passage, unless possibly it be *maritagium*.

Exattories Regis, The Kings *Exattor*, sometimes taken for the Sheriff. And in this sense the *Black-Book* in the Exchequer, Part. 1. cap. ult. *Tabular, quibus Vicomes censum Regium colligit Rotulum Exattorium vocat*, but generally *Quicunq; publicas pecunias, tributa, colligalia & res fisco debitas exigit, proprie nominantur Exattor Regis*.

Exaction, Is a wrong done by an Officer, or one pretending to have Authority, in taking a Reward or Fee for that which the Law allows not. The difference between *Exaction* and *Extortion* is this, *Extortion* is, where an Officer extorts more than his due. *Exaction*

is, where he wrests a Fee or Reward, where none is due. See *Extortion*.

Examiners in Chancery, *Examinatores*, Are two Officers that examine upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to any Suit do exhibit, to that purpose; and sometimes the Parties themselves are by particular order examined also by them. Heretofore there was such an Examiner in the *Star Chamber*, but the Court being abolished, the Office and Officer is extinct.

Exannual Roll. In the old way of delivering the Sheriffs Accounts, the *firmæ mortuæ vel obsele*, i. e. illeivable Fines and desperate Debts were transcribed into a Roll called the *Exannual Roll*, which was to be yearly read to the Sheriff upon his Account, to see what might be gotten. Read *Hale of Sheriffs Accounts*, p. 67.

Exambiatoz, Was anciently used for an Exchange of Land, [such I suppose as we now call *Brokers*, that deal upon the Exchange between Merchants.] In *libro cartarum Priorat. Leoninfi. de anno 2 Ed. 2.* It is said, *Ita quod unusquisq; eorum qui damna sustinuit aliquo casu contingente, quod Excambiator refundat damna, &c.*

Exception, *Exceptio*, Is a stop or stay to an Action, being used in the Civil and Common-Law both alike, and in both divided into *dilatory* and *peremptory*: Of these see *Bracton, lib. 5. tract. 5. per totum*, and *Briston, cap. 91, 92.*

Exchange, *Excambium vel Cambium*, Hath a peculiar signification in our Common Law, and is used for that Compensation which the Warrantor must make to the Warrantee, value for value, if the Land warranted be recovered from the Warrantee, *Bract. lib. 2. cap. 16. & lib. 1. cap. 19.* It signifieth also generally as much as *Permutatio* with the *Civilians*, as the Kings Exchange, *1 H. 6. cap. 1. & 4. and 9 E. 3. Stat. 2. cap. 7.* which is nothing else but the place appointed by the King for the exchange of Bullion, Gold, Silver, or Plate, &c. with the Kings Coin. These Places have been divers heretofore, as appeareth by the said Statutes: But now is there only one, viz. The Tower of London conjoined with the Mint, which in time past might not be, as appeareth by *1 H. 6. cap. 4.*

Exchangings, Are those that use to return Money beyond Sea, by Bills of Exchange, which by the Stat. *5 R. 2.* ought not to be done without the Kings Licence. See *Escambio*.

Exchequer. See *Eschequer*.

Excheatez. See *Escheator*.

Extrite, Is a Charge or Imposition laid upon Beer, Ale, Syder and other Liquors, within the Kingdom of England, Wales, and Berwick, by Act of Parliament made *12 Car. 2. cap. 13.* during the Kings life, and according to the Rates in the said Act mentioned. See *13 C. 2. cap. 13.* and *17 Car. 2. cap. 4.*

Exclusa, A Slave for Water damm'd or pent up. — *Et ripam Saverne in Foresta sua ad tendendam Exclusam piscarie vel molendini de Ettona.* *Cart. Hen. 1. in Mon. Angl. tom. 1.* — *Exclusagium* of the same import, as — *Dedi in putam eleemosinam — exclusagium & stagnum de piscaria & molendino de Wederhallu.* — *Mon. Anglican. tom. 1. p. 398.* And nearer to our present English, *Slusagium* — *ex dono Richardi Filii Luce slusagium unum super terram suam ad molendinum Monachorum fuvericum.* *ib. p. 868.*

Excommunication, *23 H. 8. cap. 3.* Is in Law French, the same with *Excommunication* in English.

Excommunication, *Excommunicatio*, Is thus defined by *Panormitan*, *Excommunicatio est nihil aliud quam censura a Canone vel iudice Ecclesiastico prolata & infligta*

inflicta privatus legitima communione Sacramentorum & mandor; hominum. And it is divided in *Majorem & Minorem*; *Minor est, per quam quis a Sacramento participatione conscientia vel sententia arceatur: Major est quæ non solum a Sacramentorum, verum etiam fidelium communione excludit, & ab omni actu legitimo separatur et dividit.* *Venatorius de senen. excom.* The form of an *Excommunication* was of old thus, *Auctoritate Dei Patris Omnipotentis & Filii & Spiritus Sancti & Beate Dei Genitricis Mariæ, omniumq; Sanctorum Excommunicamus, Anathematizamus & à limitibus Sanctæ Mariæ Ecclesiæ sequestramus illos Malefactores, N. consentaneos quoq; & participes & nisi respuerint & ad satisfaciendum venerint, sic extinguatur lucerna eorum ante viventem in secula seculorum, Fiat, Fiat, Fiat, Amen. Ex emendat. Legum Will. Conqueror in lib. vocat, Textus Rossensis.*

Excommunicatio capiende, Is a Writ directed to the Sheriff for the apprehension of him who standeth obstinately *excommunicated* forty days, for such a one not seeking Absolution, bath, or may have his Contempt certified into the Chancery, whence issueth this Writ for the laying of him up without Bail or Mainprize, until he conform himself, *F. N. B. fol. 62. 5 Eliz. cap. 23. Reg. Orig. fol. 65, 67, 70.*

Excommunicatio deliberando, Is a Writ to the Under-Sheriff, for the delivery of an *excommunicate* person out of Prison, upon Certificate of the Ordinary of his Conformity to the Jurisdiction Ecclesiastical, *F. N. B. fol. 63. and Reg. Orig. fol. 65. & 67.*

Excommunicatio recipiendo, Is a Writ whereby persons *excommunicate*, being, for their obstinacy, committed to Prison, and unlawfully delivered thence, before they have given Caution to obey the Authority of the Church, are commanded to be sought for, and laid up again, *Reg. Orig. fol. 67.*

Executione facienda, Is a Writ commanding execution of a Judgment; The divers uses whereof, see in the Table of the Register Judicial, verbo *Executione facienda.*

Executione facienda in withernamium, Is a Writ that lies for the taking of his Cattel, that formerly hath conveyed out of the County the Cattel of another, so that the Bayliff having authority from the Sheriff to Replevy the Cattel so convey'd away, could not execute his Charge, *Reg. Orig. fol. 82.*

Executio, Executio, In the Common-Law signifies the last performance of an act, as of a *Fine* or a *Judgment.* And the execution of a *Fine*, is the obtaining possession actually of the things contained in the same by virtue thereof, which is either by Entry into the Lands, or by Writ; whereof see at large *West. part. 2. Symbol. tit. Fines, sect. 136, 137, 138.* Executing of Judgments and Statutes, and such like, see *F. N. B. in indice 2. verbo Execution.* Co. in his 6. *Rep. Blomfields Case, fol. 27.* maketh two sorts of *Execution*, one *final*, another with a *quousq;* tending to an end: An *Execution final*, is that which maketh Money of the Defendants Goods, or extendeth his Lands, and delivereth them to the Plaintiff; for this the Party accepteth in satisfaction, and this is the end of the Suit, and all that the Kings Writ commandeth to be done. The other sort with a *quousq;* istending to an end, and not final; as in the Case of a *Capias ad satisfaciendum, &c.* This is not final, but the Body of the Party is to be taken, to the intent and purpose to satisfy the Demandant, and his Imprisonment is not absolute, but until the Defendant do satisfy, *Idem. ibid.*

Executor, Executor, Is he that is appointed by any man in his last Will and Testament, to have the disposing of all his Substance, according to the Contents of the said Will. This *Executor* is either *particular* or *uni-*

versal; *Particular*, as if this or that thing only be committed to his Charge: *Universal*, if all. And this is in the place of him whom the *Civilians* call *Hæredem designatum, or Testamentarium*; and the Law accounteth him one person with the Party whose *Executor* he is, as having all the advantage of Action against men that he had, so likewise being subject to every mans action as himself was. This *Executor* had his beginning in the Civil-Law, by the Constitutions of the Emperors, who first permitted those that thought good by their Wills, to bestow any thing upon godly and charitable Uses, to appoint whom they pleased to see the same performed; and if they appointed none, then they ordained, That the Bishop of the place should have Authority of course to effect it, *Lib. 28. cap. de Episcopis & Clericis.* And hence probably grew the use of *Universal Executors*, and also brought the Administration of their Good, that die intestate, unto the Bishop.

Executor de son tort, Or Executor of his own wrong, Is he that takes upon him the Office of an *Executor* by intrusion, not being so constituted by the Testator; nor for want thereof, appointed by the Ordinary to Administer. How far he shall be liable to Creditors, see 43 *Eliz. cap. 8. Dyer 166. and vide etiam libellum vocat. The Duty of Executors, cap. 14.*

Exemplification of Letters Patents, Anno 13 Eliz. cap. 6. Is a Copy or Duplicate of *Letters Patent* made from the Inrolment thereof, and sealed with the Great Seal of England, which *Exemplifications* are as effectual to be shewed or pleaded as the Originals themselves. *Nota*, nothing but matter of Record ought to be exemplified, 3. *Inst. fol. 173. See Co. 5. Rep. Pages Case.*

Exemplificatione, Is a Writ granted for the exemplification of an Original. See *Reg. Orig. fol. 290.*

Exemption, Is a Privilege to be free from Service or Appearance, and therefore a Baron and Baroness *diguitatis causa*, are exempted to be sworn upon any Enquest, *Co. lib. 6. fol. 53.* Also Knights, Clerks, and Women are exempted to appear at the Sheriff's Turn, by the Statute of *Marlb. cap. 10.* And a man may be exempted from being put upon Enquests and Juries by the Kings Letters Patent, as the Colledge of Physicians, London, were by Letters Patent of *Hen. 8. Co. lib. 8. fol. 108.*

Exercitiale, Was anciently used for a *Heriot, or Exercitiale Vironis* (i.e. Barons Regis, qui erit proximæ, quatuor equi. K. Edw. Conf. 1.)

This demonstrates the Derivation of *Heriot* or *Heregete* from *Here, Exercitus*, because the old feudal *Heriot* was paid only in arms or Military Accoutrements.

Exercediare, To break the Peace, to commit open Violence: From the Saxon *Frede, Frith, Peace. Britishian*, to protect. — *Si quis presiliat, & domum exfrediet, nec tamen aliquem percutiat, dimidio forisfacto culpa consistat.* — *Leges Hen. 1. cap. 31.*

Ex gravi Murrusa, Is a Writ that lyeth for him to whom any Lands or Tenements in Fee within a City, Town or Burrough, being devisable, are devised by Will, and the Heir of the Devisor entrench into them, and detaineth them from him, *Reg. Orig. fol. 244. Old. Nat. Brev. fol. 17. See F. N. B. fol. 198.*

Exhenium, Exennium, A Gift, a Present, a Token, more properly a New-Years-Gift. — *In expensis Domini Regis & exenniis, eidem factis apud Farendon centum sol. sex denar. in expensis Domine Regine ibidem perstantis & exheniis eidem factis lxxv. Sol. — Ex Compoto domus de Farendon. MS. penit W. Kenner, f. 31.*

Exhibit, Exhibitum, When a Deed, Acquittance or other writing is in a Chancery-Suit exhibited to be

proved by Witnes, and the Examiner writes on the back that it was shewed to such a one at the time of his Examination; this is there called an *Exhibit*. The word is mentioned 14 Car. 2. cap. 14.

Exhibitio, An Allowance for Meat and Drink, such as the Religious Appropriators made to the poor depending Vicar. So in all Churches appropriated to the Abbey of *Osney*. — *Vicarius habet sufficientem exhibitionem sicut Canonici quoad victualia in mensa Canonicorum ubi Canonici moram faciunt*. — Paroch. Antiquit. p. 304. The Benefactions settled for maintaining of Scholars in the University, not depending on the Foundation, are now called *Exhibitiones*.

Exigendary of the Common Bench, *Exigendarius de Banco Communis*, is otherwise called *Exigenter*, 10 H. 6. cap. 4. and is an Officer belonging to that Court, for which see *Exigenter*.

Exigent, *Exigenda*, Is a Writ that lyeth where the Defendant in an Action personal cannot be found, nor any thing within the County whereby he may be attached or distrained; and is directed to the Sheriff, to proclaim and call five County-days one after another, charging him to appear under the pain of Outlawry, *Termes de la Ley*. This writ lyeth also in an Indictment of Felony, where the Party indicted cannot be found. *Smith de Rep. Ang. lib. 2. cap. 19*. It seemeth to be called an *Exigent*, because it exacteth the Party, that is, requireth his Appearance to answer the Law; for if he come not at the last days Proclamation, he is said to be *Quinquies exaltus*, and then is Outlawed, *Crom. Jurisd. fol. 128*. And this *Manwood* also setteth down for the Law of the *Forest*, cap. 18. See the *New Book of Entries*, verbo *Exigent*.

Exigenter, *Exigendarius*, 18 H. 6. cap. 9. Is an Officer of the Court of *Common-Pleas*, of whom there be four in number: They make all *Exigents* and Proclamations in all Actions, where Process of Outlawry doth lie, and Writs of *Superfideas*, as well as the *Procuratores*, upon such *Exigents* as were made in their Offices. But the making Writs of *Superfideas* is since taken from them by an Officer in the same Court, erected by King *James* by Letters Patent, towards the later end of his Reign.

Exilium, Waste, Destruction, as in the Statute of *Marlebridge* under *Henr. III.* cap. 25. — *Firmarii semper firmarum suarum vastum, venditionem, vel exilium non facient de domibus, boscu, vel hominibus* — where *exilium* relating to *Hominibus*, seems to be the Injury done to an Estate in respect of the Tenents, by altering their Tenure or Condition, by ejecting, advancing, remitting, &c. And this indeed is the Sense that *Fleta* does expressly determine. *Vastum & Destructione fere aequivalent, & convertibiliter se habent in domibus boscu & gardinis, sed exilium dici poterit, cum servi manumittantur, aut a tenementis suis injuriose efficiuntur*. *Fleta*, lib. 1. cap. 11.

Exitus, Issue, Child or Children. — *Qui genuit Robertum de Alfreton Baronem* — qui per Agnetem uxorem ejus habuit exitum Thomam filium & heredem. — Mon. Angl. Tom. 2. p. 607. The Word is frequent in our old Law Writings, and in some Epitaphs as on a Ground-stone in the Chancel of the Parish Church of *Amerden*, in the County of *Onford*. — *Sepulchrum est hic Johannis Denton filius primogenitus Johannis Denton & Magdalene uxoris ejus nuptus Theodora & Blondell uni filiarum Johannis Blondell & moriebatur sine exitu a corpore ejus exente invita pradii Johannis septima die Septemb. 1566*.

Exitus, Issues, Rents, Profits. — *Et sciat vicecomes quod redditus blada in grangia & omnia mobilia preter equitatem, indumenta, & utensilia domorum continentur sub nomine exituum*. — Stat. 11. Westm. cap. 43.

Ex micro motu, Are words formally used in any Charter of the Prince, whereby he he signifyeth, that he doth that which is contained in the Charter of his own will and motion, without Petition or Suggestion made by any other; and the effect of these words are to bar all Exceptions that might be taken unto the Instrument, wherein they be contained, by alledging, that the Prince in passing that Charter was abused by any false Suggestion, *Kitchin*, fol. 152. Co. lib. 1. fol. 45.

Ex Officio, By a Branch of a Stat. made 1 *Eliz.* cap. 1. the Queen by her Letters Patent might authorize any persons, &c. to administer an Oath *Ex Officio*, whereby the supposed Offender was forced to confess, accuse, or clear himself of any criminal Matter, &c. But this branch relating to the said Oath is repealed by the late Stat. 17 Car. 1. cap. 11.

Exoneracione scitzæ, Is a Writ that lyeth for the Kings Ward, to be disburthened of all Suit, &c. to the County, Hundred, Leet, or Court-Baron, during the time of his Wardship, *F. N. B. fol. 158*.

Ex parte, Of the one part; In the Chancery it hath this signification, as a Commission *ex parte*, is that which is taken out and executed by one side only; whereas a Joynnt-Commission is by consent, and joyning of both.

Ex parte talis, Is a Writ that lyeth for a Bayliff, or Receiver, that having Auditors assigned to hear his Account, cannot obtain of them reasonable allowance, but is cast into Prison by them, *F. N. B. fol. 129*. The manner in this case is to take this Writ out of the Chancery, directed to the Sheriff, to take the four Mainpennors, to bring his Body before the Barons of the Exchequer at a day certain, and to warn the Lord to appear at the same time, *Termes de la Ley*, verbo *Account*.

Expetant, Is used in the Common-Law with this word *Fee*, and thus it is opposite to *Fee-simple*. For example, Lands are given to a man and his wife in *Frank marriage*, to Have and to Hold to them and their Heirs. In this case, they have *Fee simple*: But if it be given to them, and the Heirs of their Body, &c. they have Tail and *Fee expellat*, *Kitchin*, fol. 153. *Matthew de officiiis* useth the Adjective *Expellativa* substantively in the same signification, *Dessei* 292. num. 2. pag. 412.

Explers. See *Esplees*.

Expeditare, *Expediare*, Is a word usual in the *Forest*, to cut out the Balls of the great Dogs feet, for the preservation of the Kings Game: Every one that keepeth any great Dogs not *expeditated*, forfeiteth to the King three shillings four pence, *Cromp. Jurisd. fol. 152*. *Manwood* useth the same word in his *Forest Laws*, cap. 16. num. 6. 8. setting down in the manner of *expeditating* Dogs heretofore, saying, That the three Claws of the fore-foot on the right side, shall be cut off by the skin; whereunto he also adds out of the Ordinance called the *Assise of the Forest*, that the same manner of *expeditating* Dogs shall be still used and kept, and no other. *Quære*, how it happens that *Crompton* and he differ. The one saying, the ball of the foot must be cut out; the other, that the three fore-claws are to be cut off by the skin, 4. par. *Inst. fol. 308*. See *Espealtare*.

Expeditate Arbores, Trees rooted up, or cut down to the Roots. — *Inquiratur de quercubus & aliis arboribus expeditatis in foresta* — vel si aliquis ingenio alio dictus quercus cadere fecerint. — *Fleta*, lib. 2. cap. 41. *Scil. 31*.

Expeditors, Anno 37 H. 8. cap. 11. Seems to signify those that pay, disburse, or expend the Tax in the Statute mentioned, by Anno 7 Jac. cap. 2. *Paymaster*.

— The

— **The Steward or Sworn Officer** who super-
vises the Repair of the Banks and Water-courses in
Romney Marsh, is now called the *Expenditor*.

Erpenalis militum lebandis, Is directed to the
Sheriff, for levying the allowance for Knights of the
Parliament, *Reg. Orig. fol. 191.*

**Erpenalis militum non lebandis ab hominibus de
Dominico, nec a Patibis**, Is a Writ to prohibit the
Sheriff from levying any allowance for the Knights of
the Shire, upon those that hold in ancient Demesne, &c.
Reg. Orig. fol. 261.

— **Explicia, Explicia, Explicia**, The Rents
or mean Profits of an Estate in Custody or Trust.
— *Capiendo inde Explicia ad valentiam quingue soli-
daru & amplius.* — Paroch. Antiquit. p. 414.
See *Exples*.

Explorator, A Scout, *In memoriam Henrici Croft
aquis aurati*. *Exploratoris in Hibernia Generalis, qui
obijt, Anno 1609.* where *Explorator Generalis* signifies
Scout-Master-General. Sometimes also it is used for a
Hunt-man, as *Idem Abbas habens exploratores suos* (his
Hunt-men) *ponere fecit retia, &c.* In *Itin. Pickering*,
8 Ed. 3. Rot. 4.

Extend, Extendere, In a legal sense denotes to value
the Lands or Tenements of one bound by Statute, &c.
that hath forfeited his Bond to such an indifferent rate,
as by the yearly Rent the Obligor may in time be paid
his Debt. The course and circumstances hereof, see in
F.N.B. fol. 131. *Brief de execution sur Statute-Merchant*

Extendi facias, Is a Writ ordinarily call'd a Writ
of *Extent*, whereby the value of Land, &c. is com-
manded to be made and levied in divers cases, which
see in the Table of the *Register Original*.

Extent, Extenta, Hath two significations, some-
times signifying a Writ or Commission to the Sheriff,
for the valuing of Lands or Tenements, *Reg. Judic. in
tabula*. Sometime the act of the Sheriff, or other
Commission upon this Writ, *Bro. tit. Extent, fol.
313. 16 & 17 Car. 2. cap. 5.* — And it more
frequently signified the Estimate or Valuation of
Lands, which when done to the utmost Value, was
said to be to the full extent, whence our extended Rents
or Rack-rents. *Hec est Extenta terrarum — de terris
& tenementis Prioris de Durburste — quantum valeant
instaurare, & quantum deinstaurare.* Mon. Angl.
tom. 1. p. 548.

Extinguishment, In our Law signifies an effect of
Consolidation: For example, If a man have due to
him a yearly Rent out of any Lands, and afterwards
purchase the same Lands, now both the Property and
Rent are consolidated or united in one Possessor; and
therefore the Rent is said to be *extinguished*. In like
manner it is, where a man hath a Lease for years, and
afterwards buyeth the Property; this is a consolidation
of the Property and the Fruits, and is an *extinguishment*
of the Lease, see *Termes de la Ley*. So if a man have a
High-Way appendant, and after purchase the Land
wherein the High-Way is; then the way is *extinct*,
and so it is of Common-Appendant. But if a man
have an Estate in Land but for Life or Years, and hath
Fee-simple in the Rent; then the Rent is not *extin-
guish*, but in *suspence* for the time; and after the term,
the Rent shall be revived.

Extraparione, Is a Writ Judicial, that lyeth a-
gainst him, who after a Verdict found against him for
Land, &c. doth maliciously overthrow any House up-
on it, &c. and it is two-fold, one *ante Judicium*, the
other *post Judicium*, *Reg. Jud. fol. 13. 56. 58.*

— **Extocare**, To stock up, to grub Wood-land,
and reduce it to Arable or Meadow. — *Dedi etiam
eis pratum — quod Rogerus de Tocheham de gravia qua-
dam extocaverat.* — Mon. Angl. tom. 2. p. 71.

Extortion, Extortio, Is an unlawful or violent
wringing of Money or Money-worth from any man:
For Example, if any Officer, by terrifying any the
Kings Subjects in his Office, take more than his ordi-
nary Duties or Fees, he committeth this offence, and
is inditable for it. To this (saith Mr. *West*) may be
referred the Exaction of unlawful Usury, winning by
unlawful Games; and in one word, all taking of more
than is due, by colour or pretence of Right, as exces-
sive Toll in Millers, excessive prices of Ale, Bread,
Victuals, Wares, &c. *West. Symbol part 2. tit. In-
dictments, sect. 65.* *Manwood saith*, That *Extortion* is
colore Officii, and not *virtute Officii*. *Crompton* in his
Justice of Peace, fol. 8. hath these words, Wrong done
by any man is properly a Trespass, but excessive
wrong by any man is called *Extortion*; and this is most
properly in Officers, as Sheriffs, Mayors, Bayliffs, Es-
cheators, and the like, that by colour of their Office
do great Oppression, and excessive Wrong unto the
People, in taking excessive Rewards or Fees, for the
execution of their Office: Great diversity of Cases
touching *Extortion*, you may read in *Crom. Justice of
Peace*, fol. 48, 49, 50. See the difference between
colore Officii & *virtute vel ratione Officii*, *Plow. fol. 64.
Dives Case*. This word is used in the same significati-
on in other Countries; for *Cavaleanna de brachis Re-
gio*, part 5. num. 21. thus describeth it, *Et extortio
dicitur fieri, quando Index cogit aliquid sibi dari quod non
est debitum vel quod est ultra debitum, vel ante tempus
petit id, quod post administratam justiciam debetur.*

— **Errata Curie**, The Issues or Profits of
holding a Court arising from the customary Dues, Fees,
and Amercements. — *Computant de tribus dena-
riis receptis de extractis unius Curie tentat apud Burce-
ster.* — Parochial Antiquit. p. 572.

Errats or Errreats. See *Escrents*.

Erra-judicial, Is when Judgment is given
in a Cause or Case not depending in that Court, where
such Judgment is given, or wherein the Judge has not
Jurisdiction.

— **Erra-Parochial**, Out of any Parish, privi-
leged or exempt from the Duties of a Parish. *Star.
22 & 23 Car. 2. Of Subsidy.*

— **Erruma, Reliques**. — *Abbas igitur &
Conventus accipientes eorum extumas cum gaudio in ma-
jorem transtulerunt ecclesiam in mausoleo nobiliter exculp-
to.* — Cartular. Abbat. Glaston. MS. penes vir-
um Rev. Dom. Clarges, f. 15.

Ey, Insula, An Island, *Doomsday*.

Eyet, Insuletta, A small Island or Islet: It is cor-
ruptly called by the Moderns vulgarly an *Eyght*.

— **Eyrie**, An Ey, *Eyrie*, Brood, Nest: Sir
Thomas Haryll his Son and Heir entred to the said ecc.
Acres of Pasture, which Thomas released his Title to
the said Poor, to have 1111. Couples of Eyre Swans
(i. e. Brood Swans) in the Water, with all Issue
and Profits. — *Munimenta Hospital. SS. Trinitatis,
de Pontefracto. MS. f. 53.*

Eyre. See *Eire*.

— **Eyrendele**, An old Measure of Corn. *Willi-
elmus de longo campo Episcopus Eliensis ordinavit ut in die
Anniversarii sui dentur pauperibus xlii. Eyrendeles de
frumento.* *Histor. Elien. apud Whartoni Angl. Sacr.
P. 1. p. 633.*

F.

F. Who ever maliciously shall strike any person with
a Weapon in the Church or Church-yard, or
draw any weapon there with intent to strike, shall have
one of his Ears cut off; and if he have no Bars, shall be
marked

R

marked

marked on the Cheek with a hot Iron, with the letter F, that he may be known for a Fighter, or maker of Frays, s. & 6 f. 6. cap. 4.

Fabrick-Lands, Are Lands given to the rebuilding, repair, or maintenance of Cathedrals, or other Churches, and mentioned in the Act Of Oblivion, 12 Car. 2. cap. 8. In ancient time every one almost gave by his Will, more or less to the Fabrick of the Cathedral or Parish-Church where he lived. And these were called *Fabrick-Lands*, because given ad Fabricam Ecclesie reparandum. In Dei nomine Amen, Sec. Die veneris ante festum Nativitatis sancti Johannis Baptiste, Anno Domini, 1423. Ego Richardus Smith de, Sec. Item lego Fabricam Ecclesie Cathedralis Hereford xii d. Item lego Fabricam Capella beate Mariæ de Bromyard xl d. These *Fabrick-Lands* by the Saxons were called *Timber-Lands*.

Fatta Armorum, Feats of Arms, Jests, Tournaments. — Rex Ricardus in Angliam transiens statuit Fatta armorum que vulgo Tournaments dicuntur, in Anglia exerceri. — Hist. Joh. Brompton in Ric. 1. p. 1261.

Factum, A man's own Act or Deed. — Prædictus vero Wilhelmus postea per concordiam quietam clamavit libere & pacifice ab omni servitio dictam advocantiam — ut patet per factum suum. Mon. Angl. tom. 2. p. 246.

Faculty, *Facultas*, As it is restrained from the original and active signification, to a particular understanding in Law, is used for a Privilege, or special Power granted unto a man by favour, Indulgence and Dispensation, to do that which by the Common-Law he cannot do; as to eat Flesh upon days prohibited, to Marry without Banes first asked, to hold two or more Ecclesiastical Livings; the Son to succeed the Father in a Benefice, and such like. And for the granting of these, there is an especial Court under the Archbishop of Canterbury called *The Court of the Faculties*, and the chief Officer thereof the Master of the *Faculties*, *Magister ad Facultates*, whose power to grant as aforesaid, was given by 25 H. 8. cap. 21. See 28 H. 8. cap. 16. and 4. par. Inst. fol. 337. — Engl. Anno 4 E. 4. cap. 1.

Fasting Men. — Nec Rex suum pastum requirit, vel habentes homines, quos nos dicimus Fasting-Men, nec eos qui accipitres portant vel Falcones, &c. Carta Cenuilphi Regis Merciorum in anno 821. In Monast. Anglican. tom. 1. p. 100. Du Fresne renders this Word *Homines commendati Vassalli*, ex Saxon. Fasting, commendatus & Man, homo: And says, habentes idem valet ac divites. But I rather think *Fasting Men* and *habentes homines* mean rather Pledges, Sureties, or Bondsmen, which by Saxon Custom were fast bound to answer for one another's peaceable Behaviour.

Faggot, A Badge wore in Times of Popery on the Sleeve of the upper Garment of those who had recanted and abjur'd what the then Powers call'd Heresie. For those poor terrified Wretches were not only condemn'd to the penance of carrying a *Faggot* to such an appointed Place of Solemnity, but for a more lasting Mark of Infamy, they were to have the Sign of a *Faggot* embroidered on one, and sometimes each Sleeve. And the leaving of this Badge or *Faggot* was often alledg'd as the Sign of Apostasy.

Faire alias *Feyre*, (*Feria*) Cometh of the French *Faire*, and signifies as much as *Nundina* with the *Civilians*, that is, a solemn or greater sort of Market granted to any Town by Privilege, for the more speedy and commodious provision of such things as the Subject needeth, or the utterance of such things as we abound in above our own uses and occasions; both our English

and the French word seemeth to come of *Feria*, because it is always incident to a *Faire* by privilege, that a man may not be molested or arrested in it for any other Debt, than what was first contracted in the same, or at least was promised to be paid there, 17 E. 4. cap. 2. and 1 R. 2. cap. 6.

Fair, In Latine *Factum*, A Deed, which is a writing sealed and delivered, to prove and testify the Agreement of the Parties, whose Deed it is, and consists of three principal Points, *Writing, Sealing and Delivery*. By *writing* is shewed the Parties name to the Deed, their dwelling-places, degrees, thing granted, upon what Consideration, the Estate limited, the time when granted, and whether simply, or upon condition, &c. 2. *Sealing* is a farther testimony of their consents, as appears by these words. *In witness whereof, &c.* In *cujus rei testimonium*, &c. without which the Deed is insufficient. In the time of the Saxons our Ancestors they only subscribed their Names, commonly adding the sign of the Cross, and in the end set down a great number of Witnesses, not using any kind of Seal, which fashion continued until the Norman Conquest; whose Custom by little and little prevailing, brought in the use of Seals. The first sealed Charter in England, is supposed to be that of Edward the Confessor to the Abbey of Westminster, which he being educated in Normandy brought thence: This change is mentioned by *Inguilphus*, who came in with the *Conqueror*, in these words, *Normanni Chirographorum consuetudinem (cum crucibus aureis & aliis signaculis sacris in Anglia firmari solitam) in ceram impressam mutant, modumque scribendi Anglicum rejiciunt*; but this Custom was at first used only by the Nobility, as appears in the History of *Batell Abbey*, where *Richard Lucy* chief Justice of England, in the time of Henry the Second, is reported to have blamed a mean person for using a Seal, which (he said) pertained only to the Nobility; yet in Edward the Thirds time Seals became very common, according to every mans fancy. 3. *Delivery*, though it be set last, is not the least; for after a Deed is written and sealed, if it be not delivered, it is to no purpose: And therefore in all Deeds, care must be taken that the Delivery be well proved.

Falcatura, One days mowing or cutting Grass, *Falcare prata*, to cut or mow down Grass in Meadows hay'd, or laid in for Hay, was a customary Service for the Lord by his inferiour Tenants, *Falcatura una*, was the Duty of one time mowing, *Falcator* was the servile Tenant, performing this Labour. *Falcata* was the Grass fresh mow'd and laid in Swathes. See Mr. Kennet's Glossary, in *Falcare*.

Falco, A Falcon, *Falconarius*, a Falconer, *Falco gentilis*, a Jer-falcon, *Falco Spararius*, a Sparrow Hawk. King John, in the 14. of his Reign, granted to Owen Fitz-David, and Griffin Fitz-Rodher — *tria cantreda tenenda per servitia subscripta — unam motam canum per annum, & decem leporarios, & omnes accipitres & Falcones gentiles, & Sparuos dictorum trium Cantredorum.* — Pat. 14. Joh.

Falda, A Sheep fold, *Et quod oves sic levantes & cubantes in propria falda, &c.* Rot. Cart. 16 Hen. 3. m. 6.

Faldage, *Faldagium*, Is a privilege which anciently several Lords reserved to themselves, of setting up Folds for Sheep in any Fields within their Mannors, the better to manure them; and this not only with their own, but their Tenants Sheep, which they called *Sella faldæ*. This *faldage* in some places they call a *Fald-course* or *Freefold*, and in some old Charters *Faldæca*, that is, *Libertas faldæ* or *faldagii*.

Faldata, A Flock or Fold of Sheep, as many as were usually folded in one Cote, Pen, or Fold.

Nullus in villa S. Edmundi potest aut debet habere faldam nisi Cellarius, preter Homicum Aurifabrum qui potest habere faldam a parte villa australi, sed faldam ejus non pascere ultra viam apud Herdonyk. — Ex Cartular. S. Edmundi. M. f. 327.

Falstef or **Falstee**, A Composition paid by some customary Tenants, that they might have Liberty to fold their own Sheep upon their own Land. — Customaries in Bosbury, debet quasdam consuetudines videl. Tak & Tol & Faldstef & sanguinem suum emere.

The Liberty of folding or penning Sheep by Night, is still in Norfolk called **Fouldage**.

Falesta or **Falesta**, A bank or hill by the Sea-side, Co. on Lit. fol. 5. b. See **Doomsday Book**.

Falke-land alias **Folke-land**. See **Copy-hold** and **Free-hold**.

Falmotum, **Falchesmota**, **Folk-mote**, From Sax. *fale*, People, and *mote* or *gemote*, a Conception or Assembly; so as a **Falkmote** was a general Word for a common Meeting or general Assembly of the People, and did extend to three several Kinds of popular Concourse. 1. It signified a common Council of all the Inhabitants of a City, Town, or Burrough, and was then otherwise called the **Burgmote** or **Portmote**, conven'd often by Sound of Bell, call'd **Mote-bell**, to the **Mote-hall** or **Mote-house**. Or, 2. It was applied to a larger Congress of all the free Tenants within a County, call'd the **Schire-mote**, where formerly all Knights and Military Tenants did their Fealty to the King, and elected the annual Sheriff on Octob. 1. till this popular Election, to avoid tumultuary Riots, was devolv'd to the King's Nomination, Anno 1315. 3. **Edw. 11.** after which the City **Folk-mote** was swallowed up in a select Committee or Common Council, and the County **Falkmote** in the Sheriff's Turn and Assises. But 3. The Word **Folk-mote** was sometimes of a less Extent, and denoted any kind of populous and publick Meeting, as of all Tenants at the Court-Leet or Baron of their Lord. So to a Charter of **Wido de Meriton**, about 10 Hen. 11. *Testes donacionis sunt Falco Sacerdos de Meriton, Lavellus de Horspath, & totum falmotum meorum hominum & suorum.* — Paroch. Antiqu. p. 120. See **Falkmote**.

Falfe Claim, Is, where a man claims more than his due: As the Prior of **Lancaster**, by reason of a Charter, had the tenth of all the Venison, viz. *In carnetantum sed non in corio*. And because he made a **falfe Claim**, and said, That he ought to have the tenth of all Venison within the Forest of **Lancaster**, as well in *Carne* as in *Corio*; therefore he was in *miseritordia de decima venationis sue in Corio non percipiendo*, **Manwood's Forest Laws**, cap. 25. num. 3.

Falfe Imprisonment, **Falsum imprisonmentum**, Is a Trespass committed against a man by imprisoning him without lawful cause: It is also used for a Writ which is brought upon this Trespass, *F. N. B. fol. 86, 88.* Vide **Coke**, and the **New Book of Entries**, verbo **Falfe Imprisonment**.

Falfe Judicio, Is a Writ that lyeth for **falfe Judgment** given in the County, Hundred, Court-Baron, or other Courts, being no Courts of Record, be the Plea real or personal, *Reg. Orig. fol. 15. F. N. B. fol. 17.* And the **New Book of Entries**, verbo **Falfe Judgment**.

Falfe Prophecies, See **Prophecies**.

Falfo retorno bregdium, Is a Writ lying against the Sheriff, for **falfe returning** of Writs, *Reg. Judic. fol. 43. b.*

Fallity, Seemeth to signifie a to prove a thing to be **falfe**, *Perkins, Dower 383, 384, 385.*

Familia, Is sometimes taken by our Writers for a **Hide**, sometimes called a **Manse**, sometimes **Carucata**, or a **Plough land**, containing as much as one **Plough** and

Oxen can till in one year. *Bede in his Ecclesiastical History, lib. 4. cap. 3.* hath these words, *Donavit terram quinquaginta Familiarum ad construendum Monasterium: And Cressy in his Church-History, fol. 723. Ubi Bida Familiam, Saxonicus ejus interpres coartatus passim Hide redderet. Anglo-Normanni Carucata terra, Gloss. in Script.*

Fanaticke, Anno 13 Ca. 2. cap. 6. Is used as a general Name for **Quakers**, **Anabaptists**, and all other Sectaries and Factious Dissenters from the Church of England.

Fannatio, **Mensis Fannationis**, The **Fawning-Time** or **Fence-month** in Forrests, fifteen Days before Midsummer, and fifteen Days after; when great Care was taken that no Disturbance should be given to the Does or their young Fawns. See **Mr. Kennet's Glossary in Fannatio**.

Fannatum frumentum, Wheat or Bread-Corn clean'd up or fann'd with a Wind Fann or Knee-Fann. — *Cellarius Mon. Wigornie recipit in septimana decem sextarius frumenti fannatos, & decem mitras brassi. Mon. Angl. tom. 1. p. 136. b.*

Faonatio or **Fronatio**, From the French **Faonner**, signifieth a bringing forth of Young, which in Does we properly call **Fawning**, *Carta Foresta, cap. 8.*

Farding or **Farthing** of Gold, Seemeth to be a Coyn used in ancient times, containing in value the Fourth Part of a Noble, viz. twenty Pence in Silver, and in weight the sixth part of an Ounce of Gold; that is, of five shillings in Silver. This word is used 9 H. 5. cap. 7. thus, *Item, That the King do to be ordained good and just weight of the Noble, half Noble, and farthing of Gold, with the Rates necessary to the same for every City, &c.* By which place it plainly appeareth to have been a Coyn, as well as the Noble and half Noble.

Farandiman, According to the interpretation of *Skene de verbor. Signif.* is a Merchant-Stranger, to whom, by the Laws of Scotland, Justice ought to be done with all expedition, that his Business or Journey be not hindered.

Fardel of Land, Is according to some Authors, the fourth part of a **Yard-Land**; yet **Noy** in his **Complete Lawyer**, pag. 57. will have two **Fardels** of Land make a **Nook**, and four **Nook** make a **Yard-Land**.

Farding-deal alias **Farundel** of Land, **Quadrantata terree**, Signifieth the fourth part of an Acre, *Crom. Jur. fol. 220. Quadrantata terree* is read in the *Reg. Orig. fol. 1. b.* where you have **Denariata** & **Obolata**, **Solidata** & **Librata terree**, which probably must arise in proportion of quantiry, as an half-penny, penny, shilling, pound, rise in value or estimation; then must **Obolata** be half an Acre, **Denariata** an Acre, **Solidata** twelve Acres, and **Librata** twelve score Acres: And yet I find **Viginti libratas terree vel redditus**, *Reg. Orig. fol. 94. and fol. 248.* whereby it seemeth, that **Librata terree** is so much as yieldeth twenty shillings per annum, and centum solidos terrarum, tenementorum & reddituum, *fol. 249.* And in *F. N. B. fol. 87.* are these words, **Viginti libratas terree vel redditus**, which argueth it to be so much Lands as twenty shillings per annum, see **Furlong**. Others hold **Obolata terree** to be but half a Perch, and **Denariata** a Perch. See **Spelm. Gloss. verbo Obolata terree. Sciatz, &c. me R. de J. dedisse Medietatem unius Forwendel terree, de meo Dominio, &c. Mon. Ang. 2. par. fol. 913. b.**

Fare, Signifies a Voyage or Passage, or according as we now use it, Money paid for passing by Water, 2 & 3. P. & M. cap. 16.

Farley or **Farleu**, In the Mannor of **West-Napton** in **Com. Devon**. if any Tenant die possessed of a Cottage, by custome he must pay six pence to the Lord for

a farley, which probably may be in lieu of a Heriot; for in some Mannors Westward, they difference Farley as the best good, from Heriot the best Beast.

Farme or **Ferne**, *Firma*, Derived from the Saxon word *Fœrmian*, which signifies to feed, or yield Victuals; for in ancient time the reservation was as well in Victuals as Money. It is usually the chief Messuage in a Village or Town, whereto belongs great demesnes of all sorts, and hath been used for term of Life, Years, at Will. The Rent reserved upon such a Lease, is called *Farm*, and the Tenant or Lessee *Farmer*. See *Ferne*, and *Spelm. Gloss. verbo Firma*.

Farthing of Land, Seems to be a great quantity, and differs much from *Farding-deal*; for in a Book Of Survey of the Mannor of West-hampton in Com. Devon, there is an Entry thus made, A. B. holds six Farthings of Lands at 126 li. per annum. See *Fardel* and *Farding-deal*. **Farthing** always imported the fourth Part. And therefore *Quarter-Rials* or Pieces of Gold that passed for two Shillings six Pence the fourth Part of a Rial currant at ten Shillings, were called *Rial-Farthings* in an Indenture of the Mint. 1 Hen. 6.

Fassus, A Faggot, *Fr. Fassieu*. — *Con cassi Abbatis duri falsos dorsales ramorum grossorum busci ipsius*. Mon. Angl. tom. 2. p. 238.

Fate, **Fat** or **Wate**, Is a great wooden Vessel, which among Brewers and Maltsters is ordinarily used at this day to measure Malt by for expedition, containing eight Bushels, or a Quarter, mentioned 1 H. 5. cap. 10. 11 H. 6. cap. 8. It is also a leaden Pan or Vessel for the making of Salt at *Droitwich* in the County of Worcester, whereof the several Owners or Proprietors do claim Estates of Inheritance and Burges-ship. Also a great Brewing-Vessel used by all Brewers to run their Wort into.

Fausetum, A *Faucet*, a musical Pipe or Flute. — *Organum tamen & decentum fausetum & Pipeth omnino in divino officio omnibus nostris utriusque sexus interdictum*. Regul. Ordinis de Sempringham. p. 717.

Fautors, 16 R. 2. cap. 5. Are Favorers, Supporters or Abettors.

Fayling of Record, *Fayler de Record*, Is, when an action is brought against one, who pleads any matter of Record, and avers to prove it by Record: And the Plaintiff saith, *Nul riel Record*, whereupon the Defendant hath a day given him to bring it in, at which day he fails, or brings in such a one as is no bar to this Action; this is said to be a *failer of Record*, &c. *Termes de la Ley* 346.

Faynt alias Freynt Action, Is as much as *frayed Action*, viz. such an Action as though the words of the writ be true, yet for certain Causes he hath no Title to recover thereby, whereas in a false Action the words of the writ are false, yet in Co. upon *Lit. fel.* 144. & 361. they seem to be confounded as Synonima.

Faynt pleader *Falsa placitatio*; Cometh of the French *Feynt*, a Participle of the Verb *feindre*, *simulare*, *fingere* and *placit*, *placitare*. It signifies a false, covinous, or collusory manner of pleading, to the deceit of a third Party, *Ann* 14 & 35 H. 8. cap. 24.

Faynt pleading. See *Bar-pleader*.

Faytours, Seemeth to be a French word antiquated, or something traduced; for the modern French word is *Faisce*, that is, *faller*: It is used in the old Statute, 7 R. 2. cap. 5. and in the evil part signifying a bad Doer. It may not improperly be interpreted an idle Liver, taken from *Fastardise*, which signifies a kind of number or sleepy Dilese, proceeding of too much sluggishness, which the Latines call *Veturnus*; for in the said Statute it seemeth to be a Synonymen with *Vagabond*.

Fæal, The Tenents by Knight's-Service did swear to their Lord to be *feal and leal*, i. e. faithful and loyal. See *Spelman* of Parliaments, p. 59.

Fæalty, *Fidelitas*, Cometh of the French *Fœulce*, that is *Fides*, and significeth in our Common-Law an Oath, taken at the admittance of every Tenant to be true to the Lord, of whom he holdeth his Land: And he that holdeth Land by this only Oath, holdeth in the freest manner that any man in England under the King may hold: Because all with us that have Fee-hold per fidem & fiduciam, that is, by fealty at the least, *Smith de Repub. Ang. lib. 3. cap. 8.* For *fidelitas* is de substantia feudi, as *Duarenus* saith, de Feud. cap. 2. num. 4. And *Matthew de officiis de seis*, 320. num. 4. pag. 465. saith, That *fidelitas* est substantiale feudi non servitium: The particulars of his Oath, as it is used among the Feudists, you may read well express by *Zafius*, in his *Traictate de feudis*, part. 7. num. 15, 16. which is worth the comparing with the usual Oath taken here in England. This fealty is also used in other Nations, as the Lombards and Burgundians, *Cassaneus de consuet. Burgund.* pag. 419, 420. And indeed the very creation of this Tenure, as it grew from the Love of the Lord toward his Followers, so did it bind the Tenant to Fidelity, as appeared by the whole course of the Feods; and the breach thereof, is the loss of the Fee, *Duarenus in Commentariis feudorum*, cap. 15. num. 4. Et sequen. *Antonijs Contius in methodo feudorum*, cap. quibus modis feudum amittitur. Hotom in his *Commentariis de verbis feudilibus*, sheweth a double fealty, one general, to be performed by every Subject to his Prince; the other special, required only of such as in respect of their Fee are tyed by this Oath to their Landlords: We may read of both in the *Grand Cuslumarie* of Normandy, being of course performed to the Duke by all resistant within the Dutchy. This fealty special is among us performed either by Freeman or Villains. The form of both see in *Anno 14 E. 1. Stat. 2.* in these words, When a Freeman shall do fealty to his Lord, he shall hold his right Hand upon a Book and say thus, *Hear you my Lord R, that I A. B. shall be to you faithful and true, and shall owe my Fealty to you, for the Land that I hold of you, and truly shall do you the Customs and Services that I ought to do to you at the termes assigned: So help me God, and all his Saints.* And shall kiss the Book, but he shall not kneel. When a Villain shall do Fealty to his Lord, he shall hold his right Hand over the Book, and say thus, *Hear you my Lord R, that I R. F. from this day forth unto you shall be true and faithful and shall owe you Fealty for the Land which I hold of you in Villenage, and shall be justified by you both in Body and Goods: So help me God and all his Saints.* See *Reg. Orig. fol. 302.* a *Fidelitas* (saith *Spelman*) est fidei, obsequii & servitii ligamen, quo generaliter subitus Regi, particulari, *Vassallus domino* astringitur.

Fee, *Feudum* vel *seodum*, Cometh of the French word *Fief*, i. e. *predium beneficium vel res clientelaris*, and is used in our Common-Law to signifie divers things: As first, all those Lands which we hold by perpetual Right, as *Hotom* well noteth *verbo Feudum*, de *verbis feudilibus*. Our ancient Lawyers have not express what they fully meant by it, but only say, that by this Name go all Land and Tenements that are held by any acknowledgment of superiority to a higher Lord. They that write of this Subject, divide all Lands and Tenements where a man hath a perpetual Estate to him and his Heirs, &c. into *Allodium*, & *feudum*. 1. *Allodium*, They define to be every mans own Land, &c. which he possesseth merely in his own Right, without acknowledgment of any Service, or payment of any Rent to another; and this is a property in the highest degree. 2. *Feudum*, Is

Is that which we hold by the benefit of another, and in the Name whereof we owe Service, or pay Rent, or both, to a superior Lord: And all our Land here in England (the Crown-Lands being in the King's own Hands, in the Right of his Crown excepted) is in the Nature of *feudum* or *fee*; for though many have Land by descent from their Ancestors, and others have dearly purchased Land with their Money; yet is the Land of such a nature, that it cannot come to any either by descent or purchase, but with the burthen that was laid upon him, who had *Novel Fee*, or first of all received it as a benefit from his Lord to him and to all such to whom it might descend, or any way be conveyed from him. So that in truth no man hath *directum Dominium*, the very property or domain in any Land, but only the Prince in the Right of his Crown, *Camb. Brit. pag. 93.* For though he that hath *fee*, hath *jus perpetuum* & *utile Dominium*, yet he oweth a duty for it, and therefore is it not simply his own; which thing, I take those words, that we use for the expressing of our deepest rights in any Lands or Tenements to import; For he that can say most of his Estate, says thus, *I am seised of this or that Land or Tenement in my Domain as of Fee, Seisus inde in Dominio meo ut de feudo*, and that is as much as if he said, It is my Domain or proper Land after a sort, because it is to me and my Heirs for ever; yet not simply mine, because I hold it in the nature of a benefit from another. Yet the Statute of 37 H. 8. 16. useth these words of Lands invested in the Crown; but it proceedeth from the not knowing the nature of this word *Fee*, for *fee* cannot be without Fealty sworn to a Superior, as you may read partly in the word *fealty*, but more at large in those that write of *feudis*, and in particular *Hotoman* both in his *Commentaries* and *Disputations*. And note, that Land, &c. with us is termed *Fee* in two respects, one as it belongeth to us and our Heirs for ever, the other as it holdeth of another. *Britton*, cap. 23. defineth it thus; *Fee* is a Right consisting in the portion of the true Heir, or of some other that by just Title hath purchased it. *Fleta* saith, *Feudum est quod quis tenet ex quacunque causa sibi & heredibus suis, sive sit teneamentum sive redditus qui non proveniunt ex Camera & alio modo dicitur feudum, sicut ejus qui seoffians & quid quis tenet ab alio sicut dicitur, talis tenet de tali tot feuda per servitium militare*, Lib. 5. cap. 5. sect. *feudum autem*. And all that write of *feudis*, hold, that *feudatarius* hath not an intire property in his *Fee*. But the Definition of Sir *Henry Spelman* is most intelligible. A *Feud* is a Right which the Vassal hath in Land or some immoveable thing of his Lords, to use the same, and take the Profits thereof hereditarily, rendring unto his Lord such feudal Duties and Services as belong to military Tenure, the meer Propriety of the Soil always remaining to the Lord. *Spelman Of Feuds*, cap. 1. The divisions of *fee* in divers respects are many, and worthy to be known; but we divide them only into *Fee absolute*, otherwise termed *Fee-simple*; and *Fee-conditional*, otherwise called *Fee-tail*. *Fee-simple*, *feudum simplex*, is that of which we are seised in these general words, To Us and Our Heirs for ever. *Fee-tail*, *feudum talitatum*, is that whereof we are seised to Us and our Heirs, with limitation, that is, the Heirs of our Body, &c. And this *Fee-tail* is either *general* or *special*: *General* is, where Land is given to a man and the Heirs of his Body; the reason whereof is given by *Littleton*, lib. 1. cap. 2. because a man seised of Land by such a Gift, if he marry one or more Wives, and have no Issue by them, and at length marry another by whom he hath Issue, this Issue shall inherit the Land. *Fee-tail special* is that, where a man and his wife be seised of Lands to them and the Heirs of their two Bodies.

The reason is given likewise by *Littleton* in the same place, because in this case the wife dying without Issue, and he marrying another by whom he hath Issue; this Issue cannot inherit the Land, being specially given to such Heirs, &c. This *Fee-tail* hath the Original from the Statute of *Westm. 2. cap. 1.* made 13 E. 1. Yet see *Bracton*, lib. 2. cap. 5. num. 3. in his verbis, *Item quodam absoluta & larga, & quodam stricta & coarctata sicut certis heredibus*. To whom add *Plowden*, fol. 235. *Williams Case*, for before that Statute, all Land given to a man and his Heirs, either *general* or *special*, was accounted in the nature of a *Fee*; and therefore held to be so firmly in him to whom it was given, that any limitation notwithstanding he might alien, and sell it at his pleasure, much like that which the *Civilians* call *Nudum preciptum*, binding rather by counsel and advice, than compulsion or restraint. But this seeming unreasonable to the wisdom of our Realm, that a man meaning well to this or that Posterity of himself, or his Friends, might be forthwith deceived of his Intention; the said Statute was made for redress of that inconvenience, whereby it is ordained, That if a man give Lands in *fee*, limiting the Heir, to whom it shall descend, with a Reversion to himself, or his Heirs, for default, &c. that the form and true meaning of his Gift shall be observed: He then that hath *fee*, holdeth of another by some duty or another, which is called *Service*; and of this *Service*, and the diversity thereof, see *Chivalry* and *Service*. Secondly, This word *Fee* is sometimes used with us for the compass or circuit of a Mannor or Lordship, *Bracton*, lib. 2. cap. 5. *In eadem villa & de eodem feodo*. Thirdly, It is used for a perpetual Right incorporeal, as to have the keeping of Prisons in *fee*, *Old Nat. Brev. fol. 41. Foster in fee*, *Eod. fol. 6. Rent granted in fee*, *Eod. fol. 8. Sheriff in fee*, 28 E. 1. Stat. 3. cap. 8. Lastly, It is taken for a Reward or Wages given to one for the execution of his Office, as the *fee* of a Forester, of a Keeper of a Park, or of a Sheriff for serving an Execution, limited by 20 Eliz. cap. 4. And also for that consideration given a Serjeant at Law or Counsellor, or a Physician, for their Counsel and Advice in their Profession, which, as it is well observed by Sir *John Davis*, in his Preface to his Reports, is not properly *Merces*, but *Honorarium*; yet in the Law Language it is called a *Fee*. *Fee-expectant*, is by the Feudists termed *feudum expectativum*, or *expectativa* substantively used, *Mathews de offitiis discis* 292. num. 2. pag. 417. See *Expectant*.

Fee-Farm, *Feudi firma*, Is a compound of *Fee*, and *ferme*, *prædium*, and signifieth in a legal sense Land held of another in *fee*, that is in perpetuity to himself and his Heir, for so much yearly Rent as it is reasonably worth, more or less, so it be the fourth part of the worth, *Old-Tenures*. See *Exposition of the Statute of Gloucester*, Anno 6 E. 1. without Homage, Fealty, or other Services, other than be specially comprised in the Feoffment; But by *Fitzh.* in his *Nat. Brev. fol. 210.* it seemeth, that the third part of the value may be appointed to the Rent, or the finding of a Chaplain to sing Divine-Service, &c. And the nature of it is thus, that if the Rent be behind and unpaid for the space of two years, then the Feoffor, or his Heirs, have an Action to recover the Lands as his Demesnes, *Britton*, cap. 66. num. 4. But observe, that *West* in his *Symbol*, part. 1. lib. 2. sect. 463. that the Feoffment may contain Services and suit of Court, as well as Rent. And in *Termes de la Ley*, that *Fee-farm*, oweth Fealty, though not expressed in the Feoffment, for that Fealty belongeth to all kind of Tenures; this is near the nature of that which, among the *Civilians*, is called *Ager Vectigalis*, qui in perpetu-

una liceat, i. hac lege, ut quamdiu pro eo Felizal pendatur, tam diu neq; ipsi qui conduxerunt, neq; iis qui in locum eorum successerunt auferri eum liceat. The

Fee-Farm Rents remaining to the Kings of England from their ancient Demesnes were many of them alienated from the Crown in the Reign of King Charles II. But how doubtful Men are of the Title to Alienations of any Nature, is evident from this, that whilst these Rents were exposed to Sale for Ready Money, scarce any would deal for them, and they remained unsold, till the Method of doubling Orders did a little help; but that which made Men earnest indeed to buy them, was the Stop upon some of his Majesties other Payments, which made Men to resort to this as the most eligible in that Conjunction. Vid. Reasonable Defence of seasonable Disconfrise, p. 27.

Fred alias Feud, Feida alias faya, Signifieth in the German Tongue, Guerram, that is, Capitales inimicitias. Hotoman Disput. De feudis, cap. 2. Lambert in his Exposition of Saxon words, writes it Feeth, and saith likewise, that it denotes Capitales inimicitias: And also that Feud now used in Scotland, and in the North parts of England, is the same, that is, a Combination of Kindred, to revenge the death of any of their Blood against the Killer, and all his Race. See Skene de verbor. Signif. verbo Alfidatio.

Felus. A small Bundle, an Armful. — Omnes isti debent prata Domini falcare levare & cartiare, & habebunt unum multentem & unum cascum, & quilibet habebit unum feisum de herba, & omnes homines villa debent singuli dimidiari acram metere. Cartular. Abbat. Glaston. MS. f. 40. a.

Felo de se, He that commits Felony by murdering of himself, Crompton Inst. of Peace, fol. 28. and Lamb. Eirenarc. lib. 2. cap. 7. pag. 243.

Felony, Felonia, Seemeth to come of the French Felonie, (i.) impetuositas. Felonia, saith Hotoman, de verbis feudalibus, non contumaciam vassalli in Dominum, huiusmodi in Vassallum perfidiam significat verum quodvis capitale facinus. And again, Felonia, Gothis & Longobardis dicitur quod Germanis hodie Schelmarey, Latini Scelus. Sir Edward Coke says, Ideo dicta est felonia, quia fieri debet felleo animo. lib. 4. fol. 124. Hostiensis in sua summa, tit. de Feudis. And others write of it thus, Et culpa vel injuria propter quam Vassallus amittit feudum, &c. But we account any Offence Felony, that is in degree next Petit Treson, and compriseth divers particulars, as Murder, Theft, killing of a mans Self, Sodomy, Rape, wilful burning of Houses, and such like, which are to be collected out of the Statutes, which have made many Offences Felony that before were not. Felony is differenced from lighter Offences in this, that the punishment thereof is death, yet not in all cases: For Petit Larceny, which is the stealing of any thing under the value of twelve pence, is felony, as appeareth by Brooke, tit. Coron. num. 2. his reason is, because the Indictment against such a one must have these words, Felonice Cepit; and yet this is not punished by Death, though it be loss of Goods. Any other Exception I know not, but that a man may call that Felony, which is under Petit Treson, and punished by death. And of this may be reckoned two sorts, one lighter, that for the first time may have the benefit of the Clergy, another that may not. And these you may learn to know from the Statutes, for Clergy is allowed, where it is not expressly taken away. Of this read Stam. pl. cor. lib. 1. from the end of the second Chapter to the 39. and the Statutes. See also Lamberts Justice of Peace, lib. 2. cap. 7. in a Table drawn for that purpose. And also Lib. 4. cap. 4. pag. 404. And Cramp. Justice of Peace, fol. 32, &c. Felony is also punished by Loss of Lands not entailed, and Goods

and Chattels as well real as personal; and yet by the 37 H. 8. cap. 6. a difference is made in some cases touching Land. This Offence ordinarily worketh corruption of Blood, unless expressly provided against by Statute, as 39 Eliz. cap. 17. How many ways felony may be committed, see Termes de la Ley, pag. 357, 358. and Spelman Glossary, and Mr. Kennet's Glossary, in Felonia.

Feltrum, Course Hat, a Fels. See Feltrum. **F**eme Covert, Is a married Woman, who is also said to be under Covert Baron, 27 Eliz. 3.

Fence-moerth, Menses venitus, Is a moerth wherein it is unlawful to hunt in the Forest, because in that time the Female Deer do fawn. It begins always fifteen days before Midsummer, according to the Charter of the Forest, viz. In initio quindecim dierum ante festum Sancti Johannis Baptiste, quando Agistatores nostri conveniunt pro feonacione bestiarum nostrarum; and it doth end fifteen days after Midsummer, which is upon St. Cyrils-day: And here observe, That every common moerth is but 28 days, but the Fence-moerth is 31 days, Assisa Foresta de Pickering, fol. 20. Searjeant Fleetwood in his Collection of the Forest Laws, fol. 5. saith, That the Fence-moerth hath always been kept with Watch and Ward in every Bayliwick through the whole Forest since the time of Canutus. Manwood's Forest Laws, cap. 13. and 20 Car. 2. cap. 3. Some ancient Foresters do call this moerth, The Defence-moerth, because then the Deer are to be defended from scare or fear. There are also certain Defence-moerths, or seasons for Fish, as appears by Westm. 2. cap. 47. 13 E. 1. in these words, All Waters where Salmon be taken shall be in defence for taking of Salmon from the Nativity of our Lady unto St. Martins-day, and likewise that young Salmon shall not be taken nor destroyed by Nets, &c. from the midst of April, to the Nativity of St. John Baptist. See also 13 R. 2. Stat. 1. cap. 19.

Fengeld, A Tax or Imposition exacted for the repelling of Enemies, M. S. Antiq.

Feod, The learned Sir Henry Spelman gives this Definition: A Feud is a Right which the Vassal hath in Land, or some immoveable thing of his Lord's, to use same, and take the Profits thereof hereditarily: Rendering unto his Lord such feudal Duties and Services as belong to military Tenure, the meer propriety of the Soil always remaining unto the Lord. Spelman of Feuds and Tenures, cap. 1.

Feodal, Feodalis vel feudalit, Of or belonging to the Fee, Fee-farm, or Fee-simple, Anno 12 Car. 2. cap. 24.

Feodaltas, Feodality or Fidelity paid to the Lord by his feodal Tenant. — fecit feodalitatem suam, prout decet dicto Domino. Cartular. Radings. MS.

Feodary, Feudary or Feudatary, Feudatarius, Was an Officer in the Court of Wards, appointed by the Master of that Court, by virtue of the Statute. 32 H. 8. cap. 46. to be present with the Escheator in every County at the finding of Offices, and to give in Evidence for the King as well for the value as the tenure: His Office also was to survey the Lands of the Ward after the Office found, and to return the true value thereof into Court; to assign Dower unto the Kings Widows, to receive all the Rents of the Wards Lands within his Circuit, and to answer them to the Receiver of the Court. This Officer is mentioned 32 H. 8. cap. 46. and is wholly taken away by 12 Car. 2. cap. 24. And in some ancient Writings it appears, that Noblemen had their particular Feodaries. See Mr. Kennet's Glossary, in the Word Feodary.

Feodatory, The Tenant who held his Estate by feodal Service. These Grantees to whom Lands in Feud or Fee were granted from a superiour Lord,

were called generally in our Latine Characters, *Hominet*, Men or *Hominet*, and in some other Writings are term'd *Vassals*, *Leuds*, and *Feudatarius*. At the first Institution of *Beneficia*, or *Fees*, (as they were afterwards call'd) they were revocable at the Will of the Lord, Patron, or Donor, when he pleased. Afterward they were granted for a Year, and then for the Life of the *Feudatary* or *Vassal*, when in Process of Time they became successive to the Heirs Male, and by Degrees hereditary to the Female. See Dr. Brady in his *Glossary*, p. 39.

Feodum Militaris seu Militaris, A Knight's Fee, which by vulgar Computation, contain'd 480 Acres, as 24 Acres made a Virgate, four Virgates a Hide, and five Hides one Knight's Fee, for which the common Relief paid to the King or other Lord was one hundred Shillings. Yet no doubt, the Measure was uncertain, and differed with Times and Places. See Mr. Kennet's *Glossary*.

Feodum Laicum, A Lay Fee, or Land held in Fee, from a Lay Lord by the common Services to which military Tenure was subjected; in Opposition to the Ecclesiastical holding in *Frank-almoigne* discharged from those Burdens. See Mr. Kennet's *Glossary*.

De Feoffamento veteri & novo. These Phrases began in the Reign of Hen. II. when those Knights or Military Tenants who had been enfeoffed in any Fees or Parts of a Fee at or before the Death of K. Henr. I. were said *tenere feoda de veteri feoffamento*. But those who had been enfeoffed in their Lands after the Death of the said King, they were said *tenere de novo feoffamento*.

Feoffment, Feoffamentum. By the Opinion of Sir Tho. Smith de Repub. Anglor. lib. 2. cap. 8. And West. part. 1. Symb. lib. 2. sect. 280. is descended from the Gothic word *Feudum*, which we interpret *Fee*, and significeth *donationem feudi*: But (as the same West addeth) it significeth in our Common-Law any Gift or Grant of any Honors, Castles, Mannors, Messuages, Lands or other corporeal and immoveable things of like nature unto another in Fee-simple, that is, to him and his Heirs for ever, by the delivery of Seisin, and the possession of the thing given, whether the Gift be made by Deed or Writing: And when it is in writing, it is called a Deed of Feoffment, and in every Feoffment the Giver is called *the Feoffor*, *Feoffator*, and he that receiveth by vertue of the same *Feoffee*, *Feoffatus*. And Littleton saith, That the proper difference between a Feoffor and a Donor is, that the Feoffor giveth in Fee-simple, the Donor in Fee-tail, Lib. 1. cap. 6. It is the ancient and most necessary Conveyance, because solemn and publick; and also because it cleareth all Disfeins, Abatements, Intrusions, and other defeasible Estates, where the Entry of the Feoffor is lawful, which neither Fine, Recovery, nor Bargain and Sale by Deed indented and inrolled doth, Ephron. enfeoffed Abraham, Gen. 23. See Co. on Lit. lib. 1. cap. 1. sect. 1.

Feoffor and Feoffee, *Feoffor*, is he that infeoffs, or makes a Feoffment to another of Lands or Tenements in Fee-simple. And *Feoffee*, is he that is infeoffed, or to whom the Feoffment is so made.

Feorm, Among our Saxon Ancestors, those who held the Outlands of the Lord or Thane, as customary Tenants, rendred unto him a certain Portion of Victuals, and Things necessary for Humane Life. This Rent or Retribution they call'd *Feorm*, which Word in the Saxon, signified any Meat or Victuals. And though we have ever since Hen. II. Time, changed this Reservation of Victuals into Money, yet in letting our Lands, we still retain the Name of *Farms* and *Farmer*. See Spelman of Feuds, chap. 7.

Fardella terræ, Is ten Acres. See *Virgata* and *Fardel*.

Fardindel. See *Farding-deal*.

Fardfare, Significat *quietanciam eundi in exercitum*. *Fleta lib. 1. cap. 47.* that is, to be quit from going to War.

Ferdwit, Significat *quietanciam murderi in exercitu*, *Fleta lib. 1. cap. 47.* that is, to be quit of Murder committed in the Army, & sint *quies de Fildwite, Fildwite, & Ferdwite, & Hungwite, & Leirwite, &c.* Charta, 11 H. 3. m. 33.

Ferdwite was indeed a Fine or Mulet imposed for not going forth in a Military Expedition, to which Duty all Persons who held Land, were in necessity obliged. And therefore a Neglect or Omission of this common Service to the publick was punished with a pecuniary Mulet of 120 s. called the *Ferdwite*; which Penalty was remitted, and Immunity from it granted by several Charters.

Feria secunda, Monday, or the second Day of the Week. *Feria tertia*, Tuesday, and so on to *Feria sexta*, Saturday. Hence the Week-Days, as distinguished from Sunday, the Profane from the Sacred, were called *Dies Feriales*, as in this Charter. — Nos Willielmus Prior Ecclesie Elyen' & Conu. — Cancellimus Johanni Donham Capellano Scholam nostram Grammaticalem — sub hac conditione — ut celebrabit per tres dies feriales in capella Elemosinarie nostre, & per alios tres dies feriales in capella S. Marie, diebus vero dominicis ubicumq; volueris celebrabit. — Dat. 28. Mart. A. D. 1448. — Ex Cartular. Eccl. Elyensis. MS. penes Joh. Episc. Norwic. f. 36.

Feria, A Fair, at first occasioned by the Resort of People to the Feast of Dedication, and therefore in most Places the Fairs (by old Custom, nor by later Grants) are on the same Day with the Wake, or Festival of that Saint to whom the Church was dedicated, and for the same reason kept in the Church-Yard, till by Authority restrained. See Mr. Kennet's *Glossary* in *Ferie*.

Feria, Furz, Sax. fyr. — Item diximus per sacramentum quod non vidimus tempore Henrici & Richardi quandam Regum Anglie quod aliquis redderet decimus de feriis aut de generis aut de fossis ubi prius fuerint deminuat. — Conventio facta apud Rhotomagum inter Clerum & Barones A. D. 1205.

Ferial-Days, *Dies feriales*, *ferie*, According to the proper Latine signification, signifies *Holy days*, or days vacant from Labor and Pleading; but in the Statute 27 H. 6. cap. 5. *Ferial-days* are taken for *Working-days*.

Ferling, *Ferlingus*, The fourth part of a penny, *Quadrans*, Quando quarterium frumenti venditur pro 12. denar. tunc panis Wastelli de Ferlingis ponderabit 5. lib & 16. fol. Ass. panis & cervisi. 51 H. 3. Cambden in his Brit. tit. Huntington says, There were in this Borough four *Ferlings*, that is, quarters of Wards.

Ferlingara terræ, The fourth part of a Yard-Land, Decem vera faciunt unam Firlingatam, 4. Firlingatæ virgatae, 4. Virgatae hidam, & 5. Hide feodum militare, Etc. 12 Ed. 2. n. 18. Ebor. In ancient Records is used both *Ferlingus* & *Ferlingus terræ*. See Mon. Ang. 2. par. fol. 8.

Firme or **firmus**, *Firma*, Cometh of the French *Firme*, *pradium*, and significeth with us House or Land, or both, taken either by Indenture of Lease, or Lease-parol. This in the North-parts is called a *Tack*, in Lancashire a *Ferm-holt*, in Essex a *Wike*. We may conjecture, that both the French and English Word came from the Latine *firmus*; for I find *locare ad firmum*, to signifie with others as much as to set or let to *Farme* with us, the reason whereof, may be in respect of the sure

fare hold they have beyond Tenants at Will. *Vide Vo-*
cabul. utriusq; juris, verba Affilius. In the Terms of
the Law it is derived from the Saxon *Fermian*, which
signifieth to feed or yield Visual. For in ancient
time the Reservations were as well in Visuals as Mo-
ney: How many ways *Farme* is taken, see *Plowden*,
fol. 195. *Wriothestres Case*. See *Ferm*.

Fermifona, The Winter-Season of Deer, as *Tempus*
pinguedinis is the Summer-Season. See *Tempus pingue-*
dinis; *Rex dilectio R. C. &c.* Cum mittamus dilectum
valatum nostrum Johannem de F. ad instantem *Fermifon-*
nam in parvis nostris ibidem, &c. Claus. 30. Ed. 1. m. 18.

Fernigo, A wast Place where *Fern* grows.
— *Resentis Abbati Glaffonia & ejusdem loci Con-*
ventui piscaria de fernigine & toto arundinetis ejusdem
manerii. Cartular. Abbat. Glaston. MS. f. 536.

Ferrandus, An iron Colour attributed to
Horses, which we still call an *Iron-Grey*. — *Ecce*
pater de fero veniens quassit cujusmodi equum haberet ille
Archidiaconi elioni, & cum audiret ferrandum, dixit se
quendam talem equitatum vidisse. Girald. Cambr.
apud *Warton* Angl. Sacr. P. 2. p. 494.

Ferruce, The shoeing of Horses.

Ferschet, A *Fare* or *Fare-Scot*. The custo-
mary Payment for a Passage over a River, or crossing
a *Ferry* in a *Ferry Boat* with *faring-Men*, or *Feres*, or
Passengers.

Festingmen, *Ut illud Monasterium sit liberatum ab*
illis incommodis que nos Saxonica lingua Festingmendi-
mus. Mon. Ang. 1. par. fol. 123. 2.

The Saxon *Festlmann*, signifies *Fidejussor*, a *Pledge*;
so that to be free of *Festingmen*, in all probability is to
be free of *Frank-Pledge*, and not to be bound for any
mans forth-coming, who should transgress the Law.

Festing-Penny, Earnest given to Servants
when hired or retain'd, is so call'd in some Northern
Parts of England, and in other it is term'd *Arles Penny*,
from the Saxon *festnian*, to fasten or confirm.

Feud. See *Feod*.

Feudal. See *Feodal*.

Feudary. See *Feodary*.

Feud-bote, Is a recompence for engaging in a *feud*
or faction, and the contingent Damages. It having
been the custome of ancient times, for all the Kindred
to engage in the Kinsmans Quarrel; according to that
of *Tacitus*, *De moribus Germanorum*, *suscipere tam ini-*
micitias seu patris, seu propinqui, quam amicitias ne-
cessi est.

Feugerā. Inter antiquas consuetudines *Abbat-*
tie de Se Sancto Edmundo. — *Tota pastura bruerā de*
Herdyke pertinet ad Cellerarium, ut nullus possit ibidem
pascere neque aliud quid facere aliquo tempore anni sine li-
centia Cellerarii prater feugeram bruerā quā pertinet
ad tenentes de Herdyke. Cartular. Edmundi. MS. f.
328.

Fidale, **Fildale** and **Filkdale**, *Bracton*, lib. 3.
fol. 117. A comutation or entertainment made for
gain by Bayliffs to those of their Hundreds, or rather
according to Co. 4. *Inst.* fol. 307. An extortion, colore
corporationis. See *Seotale*.

Fieri facias, Is a Writ Judicial, that lyeth at all
times within the year and day, for him that hath re-
covered in an Action of Debt or Damages, to the Sher-
riff, to command him to levy the Debt or the Damages
of his Goods against whom the Recovery was had, be-
ginning from *Westm.* 2. cap. 18. Anno 13 E. 1. See
Old Nat. Brev. fol. 152. See also great diversity there-
of in the Table of the Register Judicial, verba *Fieri fa-*
cias. See also *Seire facias*, and *Title Executium*.

Fieria, **Feria**, A Fair. In a Charter of *Alan*
de *Croton*, granted to the Monks of *Croyland*. — *Re-*
terea concedimus tū decimum denariorum de fieria nēra

de *Botulfston*. — *Petr. Blesen. Contrin. Hist.*
Croyland. p. 126.

Fifteenth, *Decima quinta*, Is a Tribute or Imposi-
tion of Money laid upon a City, Burrough, or other
Town, through the Realm; not by the Pole, or upon
this or that man, but in general upon the whole City
or Town, and so called, because it amounted to a *fif-*
teenth part of that which the City or Town hath been
valued at of old; or to a *fifteenth* part of every Mans
Goods and personal Estate, according to a reasonable
valuation. This is now imposed by Parliament, and
every Town through the Realm knoweth what a *fif-*
teenth for themselves doth amount to, because it is pe-
petually the same. Whereas the Subsidy, which is
raised of every particular Mans Lands or Goods, must
needs be uncertain, because the estate of every several
man is uncertain. And in that regard, a *fifteenth*
seems to be a Rate anciently laid upon every Town, ac-
cording to the Land or Circuit belonging to it:
Whereof *Camden* in his *Brit.* makes frequent mention,
particularly pag. 168. of Wells in *Somersetshire* thus,
Quotempore ut testatur consulis Anglia liber, Episcopus
ipsum oppidum tenuit, quod pro quinquaginta bidis gela-
vit. And pag. 172. *Of Bath*, *Geldabat pro viginti bi-*
dis, quando schira geldabat. Thirdly, pag. 181. *Old*
Sarum or *Salisbury*, *pro quinquaginta bidis geldabat*.
And these Rates were taken out of *Doomsday Book* in
the *Exchequer*. So that in old time this seemed to be a
yearly Tribute in certainty; whereas now, though
the Rate be certain, yet it is not levied but by Parlia-
ment. See *Tax* and *Quinzime*.

Fiffuls. A *Fissul* was a Measure for Corn.
— *Et in eisdem festivitibus singulos fiffuls de fru-*
mentis ad vastellos de granario. Mon. Angl. tom. 1. p.
149. *Habere debent Monachi singulos fiffuls de granario*
ad vastellos. ib.

Fightwite, A Saxon word, signifying a *Mult* of
120 shillings, for making a Quarrel to the disturbance
of the Peace. So that *Fightwite* is truly *forisfactura pug-*
ne, M. S. codex.

Filacer, *Filazarius*, Possibly derived from the La-
tine *filum*, a Thred, Is an Officer in the *Common-Pleas*
(so called) because he files those Writs whereon he
makes Process: There are fourteen of them in their
several Divisions and Counties, they make out all original
Process, as well real as personal and mixt; and in *Acti-*
ons merely personal, where the Defendants be returned
or summoned, there goeth out the Distress infinite un-
til Appearance; if he be returned *Nihil*, there Process
of *Capias* infinite, if the Plaintiff will; or after the third
Capias, the Plaintiff may go to the *Exigent* of the
Shire, where his Original is grounded, and have an
Exigent or Proclamation made. Also the *Filacer* mak-
eth all sorts of Writs of view, in Causes where the
view is payed; and upon all *Replevins* or *Recordare's*,
Writs of *returne habende*. Second Deliverance, and
Withernam, They enter all Appearances and special
Bayls, upon any Process made by them. They make
the first *Seire facias* upon special Bayls; Writs of *Habe-*
as Corpus, *Distingas* *Nuper-vice-comitem* vel *Baldicum &c.*
Duces tecum, and all *Superedeas* upon special Bail, or
otherwise. Writs of *Habeas Corpus cum causa* upon the
Sheriffs Return, that the Defendant is detained with
other Actions, Writs of adjournment of a Term, in
case of Pestilence, War, or publick Disturbance, and
(until an Order of that Court made 14 Jac. which li-
mited the *Filacer* to all Matters and Proceedings before
appearance, and the *Protonotaries* to all after) did enter
Declarations, Imparlanes, Judgments and Pleas;
whereunto a Serjeants hand was not requisite, and
made out writs of Execution, and divers other Judi-
cial writs after Appearance. And in the Kings Bench of
late,

later times, there have been *Filacers* who make Proses upon Original Writs returnable in that Court, upon Actions *contra pacem*. The *Filacers* of the Common-Pleas having been Officers of that Court before the Statute of 10 H. 6. cap. 4. wherein they mentioned

Filacium, The File or Thread upon which Writs or loose Papers are filed up together, to preserve them. — *stud breve est in Filaciis Mareschalli*.

Will. Thorn. Hence *Custodes Filatorum*, or File-keepers in our Courts of Judicature, were call'd *Filacii*.

File, *Filacium*, Is a Thread or Wyre, whereon writs and other exhibits in Courts and Offices are filed, for the more safe keeping of them.

Filiculus, A little Son properly, sometimes taken for a God-son, sometimes for a Nephew.

Filkale. See *Sorbale* and *Ficiale*.

Filtrum, *Feltrum*, A Covering for the Head made of coarse Wool, not wove, but cotton'd together; a Hat, a Felt. — *Archidiaconum ultimo venientem, ut mos habebat, ultimus ipsorum juvenis scilicet uxoris Præpositi Frater, sub filtro pluviali ipsum attenti-ki insuens, quasi statim nomine ipsius & audito, dixit ei, quod parumper expectaret, &c.* Graldus Cambren. apud Whartoni Angl. Sacr. P. 2. p. 594.

Filum aquæ, A Stream or Course of Water. — *Quoddam fossatum quondam fuit jacens inter manerium prædicti Abbatis de Andredesey, & filum aquæ usque ad pontem de Bladenburgh. Ex Cartular. Abbat. Glaston. MS. f. 88. b.*

Finary. See *Blomary*.

Finders, 18 E. 3. Stat. 1. and 14 R. 2. cap. 10. Seem to be all one with which now we call *Searchers*. See 17 R. 2. cap. 5. 1 H. 4. 13. and 31 Hen. 6. cap. 5. They are employed for the discovery of Goods imported or exported, without paying Customs.

Fine, *Finis*, Hath divers Applications in the Common-Law, sometimes being used for a formal or ceremonious Conveyance of Lands or Tenements: Or as *West* saith, *tit. Fines, sect. 25.* of any thing inheritable, being in esse tempore finis, to the end to cut off all Controversies. The same *West* in his 2. par. *Symbol. sect. 1.* thus defines it, To be a Covenant made before Justices, and entred of Record. But *Glanville* more nobly thus, *Lib. 8. cap. 1.* *Finis est amicitabilis compositio & finalis concordia ex consensu & licentia Domini Regis vel Justiciariorum.* And *Lib. 9. cap. 3.* *Talis concordia finalis dicitur, eo quod finem imponit negotio, adeo ut neutra pars litigantium ab eo de cætero poterit recedere.* And *Bracton, lib. 5. cap. 28. num. 7.* thus, *Finis ideo dicitur finalis concordia quia imponit finem litibus & est exceptio peremptoria.* The Author of the *New Terms of the Law* defineth it to be a final Agreement, had between persons concerning any Lands or Rent, or other thing whereof any Suit or Writ is between them, hanging in any Court. See the *New Book of Entries, verbo Fines*, and 27 E. 1. Stat. 1. cap. 1. This *Fine* is of so high a Nature, that *Bracton, lib. 3. cap. 7. num. 3.* saith of it thus, *Item immediate pertinet ad Regem quærela finis facti in curia Domini Regis & non observati, & est ratio, quia nemo potest finem interpretare nisi ipse Rex, in cujus curia fines fiunt.* The *Civilians* would call this Solemn Contract, *Transactiorem judicalem de re immobili*, because it hath all the Properties of a Transaction, if it be considered in the original use, *Westm. parat. tit. de Transact.* For it appeareth by the Writers of the Common-Law before recited, that it is nothing but a Composition or Concord acknowledged, and recorded before a competent Judge, touching some Hereditament, or thing immovable, that before was in Controversie between the Parties to the same Concord: And that for the better credit of the Transacti-

on, being, by imputation, made in the presence of the King, because it is levied in his Court; and therefore doth it bind Women covert being parties, and others, whom ordinarily the Law disableth to transact, only for this reason, that all presumption of deceit or evil meaning is excluded, where the King is privy to the act. [Originally the use of this final Concord was instituted and allowed, in regard that by the Law, and ancient Proceedings, no Plaintiff (giving real Security *de clamore suo prosequendo*,) could agree without Licence of the Court: So as *Fines* have been anciently levied in personal Actions.] But subtilty of wit and reason hath in time wrought other uses of this Concord, which in the beginning was but one, *viz.* to secure the Title that any man hath in his possession against all men; to cut off Entails, and with more certainty to pass the Interest or Title of any Land or Tenement, though not controverted, to whom we think good, either for years or in fee: Inasmuch, that the passing of a *fine*, in some cases, now is but *mera fictio juris*, alluding to the use for which it was invented, and supposing a doubt or controversie, where in truth none is; and so not only to work a present Prescription against the Parties to the Concord or *fine*, and their Heirs, but within five years against all others, not expressly excepted (if it be levied upon good consideration, and without covin) as Women-covert, persons under one and twenty years of age, Prisoners, or such as be out of the Realm at the time when it was acknowledged. Touching this matter, see the Statutes, 1 R. 3. cap. 7. 4 H. 7. cap. 24. 32 H. 8. 36. and 31 Eliz. 2. This *Fine* hath in it five essential parts; 1. The Original Writ taken out against the Cognisor. 2. The Kings Licence, giving the Parties liberty to accord, for the which he hath a *Fine* called *The Kings Silver*, being accounted a part of the Revenue of the Crown. 3. The Concord it self which thus beginneth, *Et est concordia talis, &c.* 4. The note of the *Fine*, which is an abstract of the Original Concord, and beginneth in this manner, *sc. Inter R. Querentem & S. & E. uxorem ejus deserviantes, &c.* 5. The foot of the *fine*, which beginneth thus, *Hec est finalis concordia facta in curia Domini Regis apud Westm. a die Pasche in quindecim dies, anno, &c.* So as the foot of the *fine* includeth all, containing the day, year, and place, and before what Justice made, *Co. vol. 6. fol. 38. 39. Teyes Case.* This *fine* is either single or double, A single *fine* is, that by which nothing is granted or rendered back again by the Conusees to the Conusors, or any of them. A double *fine* containeth a grant or render back again, either of some Rent, Common, or other thing out of the Land, or of the Land it self to all, or some of the Cognisors for some Estate, limiting thereby many times remainders to strangers, which be not named in the Writ of Covenant, *West. ubi supra, sect. 21.* Again a *Fine* is of the effect divided into a *fine executed*, and a *fine executory*. A *fine executed*, is such a *fine*, as of his own force giveth a present possession (at the least in Law) unto the Cognisee, so that he needeth no Writ of *Habere facias seisinam* for the execution of the same, but may enter; of which sort is a *Fine*, *Sur cognizance de droit come ceo que il ad de son done*, that is, upon acknowledgment that the thing mentioned in the Concord be *Jus ipsius Cognizati* ut illa *que idem habet de dono Cognitoris*, *West. sect. 51.* And the reason of this seemeth to be, because this *fine* passeth by way of Release that thing, which the Cognisee hath already (at least by supposition) by virtue of a former Gift of the Cognisor, *Co. Rep. lib. 3. fol. 89. Case of Fines*, which is in very deed the surest *fine* of all *Fines executory* be such as of their own force do not execute the possession in the Cognisees, as *fines sur Conusance de droit*

return, fines sur donees, Grant, Release, Confirmation or Render; for if such *fines* be not levied, or such Render made unto them that be in possession at the time of the *fines* levied, the Conuses must needs sue Writs of *Habere facias seisinam*, according to their several Cases, for the obtaining of their Possessions except at the levying such executory *fines*, the Parties unto whom the Estate is by them limited, be in possession of the Lands passed thereby: For in this case such *fines* do enure by way of extinguishment of right, not altering the estate of Possession of the Cognisee, but perchance bettering it, *West, ubi supra, sect. 20.* Touching the form of these *fines*, we must consider, upon what Writ or Action the Concord is to be made, and that is most commonly upon a Writ of Covenant; and then first there must pass a pair of Indentures between the Conusor and Conusee, whereby the Conusor covenanteth with the Conusee, to pass a *fine* unto him of such or such things, by a day set down: And these Indentures, as they are first in this proceeding, so they are said to lead the *fine*; Upon this Covenant, the Writ of Covenant is brought by the Conusee against the Conusor, who hereupon yieldeth to pass the *fine* before a Judge; and so the acknowledgment being recorded, the Cognisor and his Heirs are presently concluded, and all Strangers not excepted, after five years once passed. If the writ whereupon the *fine* is grounded be not a writ of Covenant, but of *Warrantia Chartæ*, or Writ of Right, or a Writ of Mesne, or a Writ of Customs and Services (for all these *fines* may also be founded, *West, ubi supra, sect. 23.*) then this form is observed, the Writ is served upon the Party that is to acknowledge the *fine*, and then he appearing, doth accordingly, see *Dyer, fol. 179. num. 46.* [*Fines* are now only levied in the Court of Common-Pleas at Westminster, in regard of the Solemnity thereof, ordained by the Stat. 18 E. 1. that before were levied in other places.] This word *fine*, sometimes also signifieth a sum of Money paid for an Income to Lands or Tenements let by Lease, anciently called *Gersuma*; sometimes an amends, pecuniary punishment or recompence upon an Offence committed against the King and his Laws, or against the Lord of a Mannor: In which case a man is said *Finem facere de transgressionem tum Rege, &c.* Reg. Jud. fol. 25. a. And of the diversity of these *Fines*, with other matter worth the learning, see *Crompton's Justice of Peace, fol. 141, 143, 144.* and *Lambarde's Eiren. lib. 4. cap. 16. pag. 555.* But in all these diversities of Uses, it hath but one signification, and that is a final Conclusion, or End of Differences between Parties. And in this last sense, wherein it is used for the ending and remission of an Offence, *Bracton* hath it, *Lib. 2. cap. 15. num. 8.* speaking of a common *fine*, that the County payeth to the King for false judgments, or other Trespases to be assessed by the Justices in *Eire* before their departure, by the Oath of Knights, and other good men, upon such as ought to pay it, with whom agreeth the Statute 3 E. 1. cap. 18. There is also a common *fine* in Leets, see *Kitchin, fol. 13.* Vide *Common Fine. Fleta. lib. 1. cap. 48.* and *Co. on Lit. fol. 126.*

Fine annullando levato de Tenemento quod fuit de antiquo dominio, Is a Writ to the Justices, for the dissolving of a *Fine* levied of Lands holden in ancient Demesne to the prejudice of the Lord, *Regist. Orig. fol. 15.*

Fine capiendū pro terris, &c. Is a Writ lying for one that, upon Conviction by a Jury, having his Lands and Goods taken into the Kings Hands, and his Body committed to Prison, obtaineth favour for a sum of Money, &c. to be remitted his Imprisonment, and his Lands and Goods to be redelivered unto him, *Reg. Orig. fol. 142.*

Fine forte, Cometh of the French Adjective *Fin*, signifying sometimes crafty, sometimes artificial or exact, and the Substantive *force*, in Latine *Vis*; so that it signifies an absolute necessity or constraint not avoidable; as when a man is constrained to do that which he can no way avoid, we say, He doth it *de fine force*, and in this sense it is used, *Old Nat. Brav. fol. 78.* and in the Statute 35 H. 8. cap. 12. and in *Perkins Dower, 321.* In *Mantell and Woodlands Case, Plow. fol. 94.* And in *Eyttons Case, cited in Foxleys Case, Co. 6. Rep. fol. 111.*

Fine levando de Tenementis tentis de Rege in Capite, &c. Is a Writ directed to the Justices of the Common-Pleas, whereby to licence them to admit of a *Fine* for sale of Lands holden in *Capite*, *Reg. Orig. fol. 167.*

Fine non capiendū pro pulchre placitando, Is a Writ to inhibit Officers of Courts to take *Fines* for fair pleading, *Reg. Orig. fol. 179.* See *Pleader.*

Fine pro reddituina capiendā, &c. Is a Writ that lyeth for the release of one laid in Prison for a *Redisseisin*, upon a reasonable *Fine*, *Reg. Orig. fol. 222.*

Fines for Alienation, are reasonable *Fines* paid to the King by his Tenants in chief, for licence to alien their Lands according to the Stat. 1 E. 3. cap. 112. But see the Statute lately made, 12 Car. 2. cap. 24.

Fines pro licentia concordandi. See 21 H. 8. cap. 1. See *Fine.*

Fine, To *Fine* or pay a *Fine* upon Composition. — *Inquirendum est etiam quæ videtur non finirent pro se maritandis, & finis capiat ad opus Domini Regis.* Rog. Hoveden, p. 783.

Finoys of Gold and Silver, Be those that purifie and separate those Metals from other courser, by Fire and Water, Anno 4 H. 7. cap. 2. They be also in the same place called *Parters*, sometimes *Departers*.

Filicetum, A brackly Ground, *Ubi filices crescant.* Co. 1. Inst. 4. b. See *Doomsday.*

Firdole. See *Fridole*.

Firdwite, A Mulet or Penalty impos'd on Military Tenants for their Default in not appearing in Arms, or coming to an Expedition. See *Ferdwite*.

Firdwrithi, *Ferdwrithi*, Military Men, or Men worthy to take Arms, or mustred, or enroll'd to appear upon any occasional Expedition. — *Volo ut Abbas & Fratres Ramesie habeant Sacam in omnibus super homines qui sunt Morwrithi, Ferdwrithi, & Paldwrithi, in isto hundredo & dimidio.* Histor. Monasterii Ramesei, in Edit. Gale. cap. 103.

Firebare, That without delay, they raise and repair the Signs and *Firebares* upon the highest Hills in every Hundred, that the whole Country by those Signs, as often as necessity shall require, may be forewarned, &c. *Ordinatio pro Vigiliis observandis a Linne usq; ad Yarmouth temp. E. 2.* Peradventure derived from the Saxon *Fyrtown*, a Beacon, or high Tower, near the Sea-side; wherein were Lights, either to direct Saylor in the Night, or to give warning of the Enemy.

Firebote, For the Composition of the word, see *Haybote*. It signifieth an allowance of Wood or Estovers, to maintain competent *firing* for the use of the Tenant.

Fire-Ordeal, Our devout old Ancestors had a way of Purgation or acquitting themselves from any Charge or Accusation of Crime, by an Appeal as it were to God himself, and therefore call'd it *Dei iudicium*, or *God's Ordeale*. This was commonly of two Sorts, *Fire Ordeal* and *Water Ordeal*. This *Fire-Ordeal*, which was the Privilege only of Free-men, and the better sort of People, was twofold, either *first*, By stepping bare foot and blindfolded over nine Ploughshares red-hot, laid in length at equal Distance, which if the Defendant passed unburnt, he was judged innocent, but if burnt,

burnt, he was concluded guilty. Or Secondly, By taking a Piece of red-hot Iron in the Hand, usually of one Pound Weight, which was called simple Ordeal, or of two Pounds, which was duplex, or of three Pound Weight, which was triplex Ordealium. See Water-Ordeal.

Firma, Ad firmam noctis, Was a Custom or Tribute paid towards the entertaining of the King for one Night, according to Doomsday, Comes Meriton T. R. E. reddebat firmam unius noctis; that is, entertainment for one Night, or the value of it. *Firma Regis*, anciently *pro villa Regis*, By a Charter of King Edgar to Ely, it is limited to a penalty, to pay one Night's Ferme, if the privileges be broken by any man. See Doomsday.

Firmatio, Firming or holding to firm. The Firmary's or Farmer's Right to the Lands and Tenements let to him *ad firmam*. — *Canonica Firmatio* — si firmam solutionem per dies omiserit — a firmatione cuius sic firmam braciato vel camera solvere tenebatur ipso facto sit amotus. — Statuta Eccl. Paulin. MS. f. 49. b. Hence antiqua firma was the old customary Rent. And *affirmatus* was farm'd out, or let for such a certain firm or rent. See Mr. Kennet's Glossary in *Ad firmam dare*.

Firmatio, Firmationis tempus, Doe-season, as opposed to Buck-Season. — Et sciendum est quod tempus pinguedinis hic computatur inter Festum beati Petri ad vincula & exaltationem Sancte Crucis: Et tempus firmationis inter Festum S. Martini & Purificationem beate Marie. 21 Hen III.

Firmum, Feorm, Food, Victuals, or Furnish given by the Lord to entertain his labouring Tenants. — Quilibet debet flagellare dimid. crannock frumenti ad semen, & duos busselos frumenti contra Natale ad firma sua faciendam. Cartular. Abbat. Glaston. MS. f. 39. a. Rather perhaps Rent paid in Customary Services.

First-fruits, Primitie, Are the Profits of every Spiritual Living for one year, given in ancient time to the Pope through all Christendom. But by the Stat. 26 H. 8. cap. 3. translated to the King here in England; for the ordering whereof, there was a Court erected 32 H. 8. cap. 45. but again dissolved Anno primo Mariae, sess. 2. cap. 10. And since that time, though those Profits be reduced again to the Crown by the Statute Eliz. cap. 4. yet was the Court never restored, but all matters therein wont to be handled, were transferred to the Exchequer. See Annates.

Fifth-garth, 23 H. 8. cap. 18. A Dam or Weare in a River, made for the taking of Fish, especially in the Rivers of Ouse and Humber. See Garth.

Fitch. See Ferriere.

Fithwite, But more rightly *Fithewite*, From the Saxon Feoht and pite, nullitas; so that it is a Fine laid upon one for fighting and breaking the Peace: Si pugnaverint & percusserint sequamur sanguinem non extraxerint, Prior habebit inde Fithwite, that is, amerciamen- tum, Ex Registro Prioris de Cokesford.

Fitzherbert, Was a famous Lawyer in the Days of King Henry the Eighth, and was chief Justice of the Common-Pleas; He wrote two Books of great Reputation, one An Abridgment of the Common-Laws, another intitled, De Natura Brevirum.

Fiacus, A Fleck, a Fletch, an Arrow, Fr. Fleche. — Reginaldus de Grey tenet manerium de Waterball in com. Buckingh. per servitium inveniendi unum hominem super unum equum sine sella pret. xv. & unum arcum sine corda, & unum flaccum sine capite, cum Dominus Rex mandaverit. 17 Edw. 3.

Flasco, A Flask, a Bottle. — Instituebant fieri strepitum magnum rudentibus singulis & flagellantibus clipeos & galias, cellas & affres, dolia & flasco-

nes, pelvies & patellas. — Gaufridus de Vinafauf. Iter Richardi Regis. cap. 13. lib. 4.

Fletta, A feathered Arrow, or fledg'd Arrow, a fleet Arrow. Radulphus le Fletcher tenet in Bradele com. Linc. per servitium reddendi per annum viginti fletas ad scaccarium Domini Regis — 9 Edw. 1. — otherwise call Sagitta fletatas. — Willielmus de Greseley tenet manerium de Drakelow, in com. Derb. & reddit unum arcum sine corda, & unam pharetram de Tatesbit, & duodecim sagittas fletatas. ibid. p. 15.

Fledwit, Cometh of the Saxon Word Fled, that is, a fugitive and wite, which some make but a certain termination, signifying nothing of it self; howbeit others say, it signifies a Reprehension, Censure, or Correction. It signifies in our Law, a discharge or freedom from Amerciaments, where one having been an outlawed Fugitive, cometh to the Peace of our Lord of his own accord: *Rassals* Exposition of words, and *Termes de la Ley*. See Bloodwit and Childwit. See Fletwit.

Fleet, A famous Prison in London, so called, as it seemeth, of the River upon whose side it standeth, *Cambr. Brit. pag. 317*. Unto this none are usually committed, but for contempt to the King and his Laws, or upon absolute Command of the King, or some of his Courts. Or lastly, upon Debt, when men are unable, or unwilling to satisfy their Creditors.

Flem and Fleth, Saxon *Flema*, an Outlaw, and *Flet*, a House, In a Plea of Quo Warranto, Abbas de Burgo dicit quod clamat annum & vastum & medium tempus per hec verba Flem & Fleth, Trin. 7 Ed. 3.

Flemenes-firynth, But more truly *Flumena frymthe*. Vide Leg. Ine, cap. 29. & 47. Leg. etiam H. 1. cap. 10. 12. It signifies the relieving of a Fugitive, Cum Sacha & Socha, Tol & Team, Infangtheof & Flemenes frythe & Gridbrech, Forstal, Hamfcone, Bloodwite, Ordal & Orefe, Carta Edw. Conf. Mon. de Waltham. This word is variously written in old Charters, as *Flumenesferd*, *Flemenesfrit*, *Flemenesfremith*, *Flemanusfit*, *Flemeneward*, *Fremenesfenda*, and *Flumenesfriðthe*, but without question intending the same thing.

Flemenesfreme and **Flemenesfrenthe**, are said to be the Chattels of Fugitives, Mich. 10 H. 4. Hertf. 59. Coram Rege, Rot. 59. See *Flemenesfrymthe*.

Flemeswite, Signifies the liberty to challenge the Cattel or Amerciaments of your Man a Fugitive. *Rassals* Exposit. of words. *Fleta* writes it two different ways, viz. *Flemenesfervie* and *Flemenes freithe*, and interprets it, Habere cattalla Fugitivorum, Lib. 1. cap. 47. See *Flem* and *Flemenesfervithe*.

Fleta, A feigned Name of a learned Lawyer, that writing a Booke of the Common Law of England, and other Antiquities in the Fleet, termed it thereof *Fleta*. He lived in the times of Edw. the Second and Edward the Third. See his First Book, cap. 20. sect. Qui ceperint, and lib. 2. cap. 65. sect. Item quod nullus.

Fleta, A Flota, a Flete, or place where the Tide or Flots comes up. *Disita terra extendit se in longitudine a communi via de M. versus aquilonem usque ad Fletam de Ee versus austrum* Cart. 5. 14. 8. Hence *Flete ditch* and *Flete bridge* in London.

Fletwite alias **Fredwite** *Shene de verb. Signif. verb.* Mellerum, Sixth, That *Fletwite* is liberty to hold Courts, and take up the Amerciaments pro molletis, and the reason he gives is, because *Flicht* is called *Fletting*, in French *Melle*, which sometime is conjoined with Hand-stroke, and in some Books *Placitum de melleris*, is the Plea of beating or striking. See *Fledwit*.

Fletcher, But indeed more truly *Slidestrift*, otherwise called *Shovegroat*, Is the Game now known by the name of *Shovel-board*, mentioned 32 H. 8. cap. 9.

Flichtmire alias **Flirmitte**, *Spelman* says, It signifies *Multitudo ob contentiones, rixas & jurgia impastam, & cui hæc a Principe conceduntur; parati in curia sua cognoscere, de hujusmodi transgressionibus & multis inde provenientibus, &c. a delinquentibus exigere & sibi retinere.*

Flight. See **Finer**.

Florentes, A kind of Cloth so called, *Anno 1 R. 3. cap. 8.*

Florence A current Piece of English Gold. By Indenture of the Mint 18 Ed. 3. Every pound weight of Old Standard Gold was to be Coined into Fifty *Florentes*, to be current at Six Shillings a piece, all which made in Tale Fifteen pounds, or into a proportionable number of half *Florentes* or quarter *Florentes*.

Flogages, That is a swimming at the top, which we properly call *floating*, are such things as swim on the top of the Sea, or other great Rivers; the word is used sometimes in the Commissions of *Water-Bayliffs*.

Flozzam alias **Floriam**, Is a word proper to the Seas, signifying any Goods that by Shipwrack be lost, and lye floating or swimming upon the top of the water, which with *Jetson*, and *Lagon*, and *Shares*, are given to the Lord Admiral by his Letters Patent. *Jetson* is a thing cast out of the Ship, being in danger of wreck, and beaten to the shore by the Waters, or cast on the shore by the Mariners, *Co. Vol. 6. fol. 106.* *Lagon* alias *Lagan* or *Ligan*, is that which lyeth in the bottom of the Sea, *Co. Ibid.* *Shares*, are Goods due to more by proportion. See *Co. lib. 5.* Sir *Henry Constable's* Case.

Focale Fire-wood. *Capiatur Focale*, (see *Fire-bole*) *quatenus fieri potest de sicis et in fructibus ramis & arboribus &c.* Statut. Eccl. *Pauline MS. f. 44. b.*

Fodder. Or *Forber* of Lead, a weight of Lead containing Eight Pigs, every Pig Three and Twenty Stone and a half. In the Book of Rates a Fodder of Lead is said to be Two Thousand pound Weight; At the Mines, it is 22 Hundred and a half, among the Plumbers at London it is 19 hundred and a half.

Foddertorium, Provision, or Fodder, or Forrage, to be paid by Custom to the Kings Purveyors—*Johannes Abbas. S. Edmundi et D. Stephanus, Prior & Convent. Sarnum*—quod de exitibus maneriorum Conventus, exceptis redditibus qui dicuntur hidagium et Foddertorium et sessu hominum ad hundreda que sunt quasi regalia nihil habebit vel habere debet Dominus Abbas &c. Ex Cartular. S. Edmundi. MS. f. 102.

Foder, *Fodrum*, Signifies in plain English any kind of Meat for Horses, and other Cattel. But among the Feudists it is used for a Prerogative that the Prince hath to be provided of Corn, and other Meat for his Horses, by his Subjects, towards his Wars, or other Expeditions. *Arnoldus Clapmarus de arcanis Imperii*, lib. 1. cap. 11. and *Hutman de verbis feudilibus*, litera F.

Fofsa, *Grafs*, *Herbage*, *Fr. Foiffon*. ex dono *Rainaldi de Bordeneye* La solidos in Fofsa foresta et decimam molendinorum ipsius, *Mon. Angl. tom. 2. p. 908. b.*

Fogage, *Fogagium*, Rank *Grafs* not eaten in Summer. *Leg. Forestar. Scot. cap. 15.*

Foflands, *Copy hold Lands*, so called in the time of the Saxons, as *Charter Lands* were called *Boc-lands*, *Kirchin 174.* Fundus sue scripto possessus (says *Master Semner*) censum pensant annuum & officiorum servituti obnoxiius, Terra popularis.

Fofeland, Was terra vulgi, the Land of the vulgar People, who had no Estate therein, but held the same under such Rents and Services as were accustomed or agreed, at the Will only of their Lord the Thane, and it was therefore not put in Writing, but

accounted *Prædium rusticum & ignobile*, vid. *Spelman* of Feuds. cap. 5.

Folkmote or **Folkimote**, Saxon *Folkemas*, that is *Conventus populi*, compounded of *Folk* popular, and *Gemetan* convenire, signifies (as *Lambert* saith in his Exposition of Saxon words, verbo *Conventus*.) two kinds of Courts; one now called the *The Country Court*. The other, *The Sheriff's Turn*. This word is still in use in the City of London, and denotes *Celebrem ex tota civitate conventum*, *Stow's Survey of London*. But *Manwood* says in his *Forest Laws*, *Folke* is the Court holden in London, wherein all the *Folk* and People of the City did Complain of the Mayor and Aldermen, for misgovernment within the City. Mr. *Semner* in his *Saxon Dictionary* says, It is a general Assembly of the People, to consider and order Matters of the Common-wealth. *Omnes præeres Regni & milites & liberi homines universi totius Regni Britannia facere debent in pleno Folcmote fidelitatem Domino Regi, &c.* In *Leg. Edw. Conf. cap. 35.* As to the *Folk-Mote* or *Folk Gemot*. Sir *Henry Spelman* tells us it was a sort of annual Parliament or Convention of the Bishops, Thanes, Aldermen, and Freemen, upon every *May-day* yearly; where the Lay-men were sworn to defend one another; swear Fealty to the King, and to preserve the Laws of the Kingdom, and then to consult of Common Safety, Peace and War, and publick Weal. But Dr. *Brady* from the Laws of our Saxon Kings, does infer that the *Folk-Mote*, was an inferior Court, before the Kings Reve, or Steward, held rather every Month to do *Folk-right*, or to compose smaller Squabbles, from whence Appeal should lye to the Superiour Courts of Justice. See Dr. *Brady's Glossary. p. 48.*

Fold-course, *Gro. 2. par. fol. 432.* Vide *Faldage*. **Folgheres**, or rather **Folgers**, Be Followers, if we interpret the word according to the true signification: *Bracton* saith it signifies, *Est qui aliis deservit*, lib. 3. tract. 2. cap. 10.

Footgelde, Is an Amerciament for not cutting out the Balls of great Dogs feet in the Forest, for which see *Expedite*. And to bequit of *Footgelde*, is a privilege to keep Dogs within the Forest unlawd, without punishment or Control, *Crompt. Jur. fol. 197.* *Manwood's Forest Law*, cap. 25. num. 3. See *Footgeld*.

Foot of the line. See *Chirographer*.

Forage, Fodder for Cattel, *Cistes* sont *Covenans* faits le *vendredi* prochain devant la feste de seint Jacques l'apostle, &c. 30 E. 1. Et le dit J. trovera audit N. herbe & foyne & forage pour un Hakeny, &c.

Foragium, Straw when the Corn is Threshed out—*Customarius de Hardwyk*—triturabit & mandabit pro quolibet opere dimidiam summam de quolibet genere bladi per mensuram grangiarum—& habebit in recessu suo quando triturat ad grangias ad quodlibet opus quantum possit semel Colligere de Forragio runc triturato cum rassello & dicitur *Helm. Ex Cartular. S. Edmundi MS. f. 321.*

Forarium, A Furrow, A Furlong, Per viam que ducit usque Tareford, usque ad Forarium de Lang furlong & iterum a dicto Forario de Lang furlong usque ad—*Munimenta Hospital. SS. Trinitatis de Pentecosta MS. f. 53.*

Forbalca, A Fore-balk, or Balk, lying forward or next the High-way,—*Concessit etiam eis omnia alia emolumenta de pradiis villa vel curia sua qualitercunque, in villa vel in campis ejus surgentia, scilicet, Wastis, hirsis, forbalcis terre arabilibus, & sordicis circa suum molendinum & stagnum.* *Petrus Blesensis Contin. Hist. Croyland. p. 115.*

Forathe, *Liberaltis autem homo* (1) *Pegen* modo crimen suum non sit inter majores, habeat fidelem hominem qui possit pro eo jurare juramentum, (1) *Forathe si autem*

tem non habet, ipsemet juret, nec pardonetur et aliquod
juramentum, Constat. Canuti Regis de Forest, cap. 12.
cited by Manwood in his Forest Law, pag. 3.

Forbarre or Forbear, Is for ever to deprive, 9 R.
2. cap. 2. and 6 H. 6. cap. 4.

Forbush of Armoz, Forbator, Si quis forbator arma
alicujus resceperit adpurgandum, &c. Leg. Aluredi,
M. S. cap. 22.

Furt, *Viz.* In our Common-Law, is most usually
applied in *pejorem partem*, signifying unlawful Violence.
West thus defines it, *Symb. part. 2. tit. Indictments, sect. 65.* Force is an offence by which Violence
is used to persons or things; where also he divideth it
thus, Force is either simple or compound, Simple force is
that which is so committed, that it hath no other Crime
adjoined to it; As if one by force do enter into another
man possession, without doing any other unlawful
act. *Mixt* or compound force, is that Violence which
is committed with such a fact, as of it self only is criminal:
As if any by force enter into another Mans Possession,
and kill a Man, or ravish a Woman there, &c.
He farther divideth it into true force, and force after a
sort, and so proceedeth to divers other Branches worth
the reading, as forcible Entry, forcible Detaining, unlawful
Assembly, Routs, Riots, Rebellions, &c.

Forcible detaining or holding of Possession, Is a
violent act of Resistance by strong Hand of Men weaponed
with Harnesse, or other action of fear in the
same place, or elsewhere, whereby the lawful Entry
of Justices, or others, is barred or hindered, *West. Symbol. part 2. tit. Indictments, sect. 65.* Of this see *Crompt. Just. of Peace, fol. 58. usq; ad 63.*

Forcible Entry, *Ingressu manu forti factus*, Is a violent
actual Entry into a House or Land, &c or taking
a Distress of any person weaponed, whether he of
fer violence or fear of hurt to any there, or surlously
drive any out of the Possession thereof, *West. Symbol. part 2. tit. Indictments, sect. 65. Crompt. Just. of Peace, fol. 58. 59. usq; ad 63.* It is also used for a Writ
grounded upon the Statute 8 H. 6. 9 whereof read *F. N. B. fol. 248.* See the New Book of Entries, verbo Forcible
Entry. See *Lamb. Definition* in certain cases, *Etten. lib. 2. cap. 4. pag. 145.*

Forda, A Ford or Shallow, made by damming
or penning up the water—Non licet alicui de catero
facere Dammas aut Fordas, aut alia impedimenta in aliquibus
lucubris, water gangis, fossatis sine aquagis communibus
in marisco pradiis. Ordinatio Municipi Rumelientis, p. 65.

Fordika, Grass or Herbage, growing on the
edge or Bank of Dikes or Ditches. See Forbala.

Fordol, Fordolia—Concessit etiam eis omnia
alia emolumenta de pradiis villa vel curia sua qualitercunque
in villa vel in campis ejus surgentia, scilicet, vastis,
hirsinis, forbalkis terra arabilis, Fordol. prati, &
fordalikes suum molendinum et stagnum, Petr. Blesens. Contin.
Hist. Gayland, p. 116. Fordalis, in a like sense occurs in
Mon. Angl. Tom. 1. p. 657. Et tendit usque ad magnam aquam
de Agr. & Fordales ejusdem prati quis percutiunt ex una
parte super pratum Hospitalis. This latter word Des Fre-
sne, confounds with Forda, and thinks it implies some Relation
to Ford or River. But it is indeed from the Sax. Fr, Fore or Before, and dale, a part or portion. So as
the Fordol, Fordolia, or Fordalis; was no more than
a But or Head-band that did shoo upon other Bounds.

Foraigne, Fr: Foreign Lat. Forinsecus, is in Law
used adjectively, being joyned with divers Substantives in
several senses, not unworthy the Exposition; as For-
eign Matter, that is Matter triable in another Country,
Pl. cor. 154. Or Matter done in another Country, *Kitch. in, fol. 126.* Foreign Plea, Forinsecum placitum, is a re-
fusal of the Judge as incompetent, because the Matter in

hand was not within his Precinct, *Kitchin, fol. 75. & an. 4 H. 8. cap. 2. & 22 H. 8. cap. 2. & 14. Foreign Answer, Forinseca Responso*, that is such an Answer as is
not triable in the Country where it is made, 15 H. 6.
cap. 5. Foreign Service, Forinsecum servitium, that is,
such Service whereby a mean Lord holdeth over of another,
without the compass of his own fee, *Bro. tit. Tenures, fol. 251. num. 12. & 28. & Kitchin, fol. 205.* Or else that which a Tenant performeth either to
his own Lord, or to the Lord Paramount out of his
Fee. Of these Services *Bracton* speaketh thus, *Item sunt
quadam servitia que dicuntur forinseca quamvis sint in
Charta et de Feoffamento expressa et nominata, et que
ideo dici possunt forinseca, quia pertinent ad dominum
Regem et non ad Dominum capitalem, nisi cum in propria
persona profectus fuerit in servitio, vel nisi cum pro servi-
tio suo satisfecerit Domino Regi quocumque modo et si sunt in
certis temporibus cum casus et necessitas evenierit et varia
habent nomina et diversa: Quandoque enim nominantur
forinseca; large sumptis vocabulo quoad servitium Domini
Regis; quandoque; scutagium; quandoque; servitium
Domini Regis & ideo forinsecum dici potest, quia sit & capi-
tur foris, sive extra servitium quod sit Domino Capitali.
Vide Bro. Tenures 28. 95. Foreigne Service, seemeth
to be the Knights-service, or Escuage uncertain, *Perkins
Reservation 650.* Foreigne Attachment, Attach-
mentum forinsecum, Is an Attachment of Foreigners
Goods found within a Liberty or City, in the Hands of
a third Person, for the satisfaction of some Citizen, to
whom the said Foreigner oweth Money. At *Leinster*
(anciently *Leaminstre*) there is the Burrough and the Fo-
reigne, which last is within the Jurisdiction of the Man-
nor, but not within the Liberty of the Bayliff of
the Burrough. Foreigne Apposer or Opposer, Is an Officer
in the Exchequer, to whom all Sheriffs and Bayliffs
do repair to be apposed by him of their Green Wax
after they are apposed of their Sums out of the Pipe
Office; and from thence draws down a Charge upon
them to the Clark of the Pipe: His business it to
examine the Sheriffs Estreats with the Record, and to
ask the Sheriff, what he says to every particular Sum
therein. *Vide, The Practice of the Exchequer, fol. 87.
and 4 Inst. fol. 107.**

Froiera, Terra transversalis seu Capitalis. A Head-
land, or (as they vulgarly call it) *Hadeland*,—Uno capite
abutante super Foremam Rogeri Attecastel, Carte de
anno 47 E. 3. See Mr. *Kempe's Glossary* in Froiera.

Forest, Foresta, Signifies a great or vast Wood, in
French Lieu Forestier & Sauvage, is Locus sylvestris &
saltuosus. Such as have written upon the Common-Law,
define it thus, Foresta est locus ubi fere inhabitant vel in-
cludantur, with whom agree several others. Some do
say it is called Foresta quasi ferarum statio vel tuta Ma-
nsio ferarum. Manwood in his Forest Laws, cap. 1. num.
1. thus defineth it, A Forest is a certain Territory of
woody Grounds, and fruitful Pastures, priviledged for
wild Beasts, and Fowls of Forest, Chase, and Warren,
to rest and abide in the safe Protection of the King, for
his Princely delight and pleasure; which Territory of
Ground so priviledged, is meered and bounded with un-
removeable Marks, Meers and Boundaries, either
known by matter of Record, or else by Prescription,
and also replenish with wild Beasts of Venerie or Chase,
and with great Coverts of Vert, for the succor of the
said wild Beasts to have their abode in; for the prefer-
vation and continuance of which said place, together
with the Vert and Vension, there are certain particu-
lar Laws, Priviledges and Officers belonging only to
the same. The manner of making Forests, as the same
Author well setteth down, cap. 2. num. 2. is this, the
King sends out his Commission under the Great Seal of
England, directed to certain discreet Persons, for the
view

view, perambulation, meeting and bounding of the Place he mindeth to a *Forest*; which being returned into the *Chancery*, Proclamation is made throughout all the Shire where the Ground lyeth, That none shall hunt or chase any manner of wild Beasts in that Precinct, without the Kings special Licence; after which, he appointeth Ordinances, Laws, and Officers fit for the preservation of the Vert and Venison; and so it becometh a *Forest* by matter of Record. The properties of a *Forest* are these in especial; First, a *Forest*, as it is truly and strictly taken, cannot be in the Hands of any but the King; the reason is given by *Manwood*, because none hath power to grant Commission to be a Justice in *Eyre* or the *Forest* but the King, *cap. 24. num. 1.* The second property, be the Courts, as the *Justice-Seat* every three years; the *Swainmote* thrice every year; and the *Attachment* once every forty days, *Idem cap. 21. num. 1.* The third property, are the Officers belonging to it, for the preservation of the Vert and Venison: As first, the Justices of the *Forest*, the Warden or Keeper, Verderers, *Foresters*, Agistors, Regarders, Bayliffs, Beadels, and such like, which you may see, and their Duties, in *Manwood*, *cap. 21. num. 1, 2, 3, 4.* But the chief property of a *Forest* both by *Manwood*, *cap. 23.* and *Crompt. pag. 146.* is the *Swainmote*, which, as they both agree, is no less incident to it, than a Court of *Pye-powders* to a Fair. Other Courts and Offices are not so requisite in those *Forrests* that are in the Hands of Subjects, because they be not truly *Forrests*. But if this fail, there remains nothing of a *Forest*, but it is turned into the nature of a Chace, see *Chace*. The *Forrest* that I have read of in England are these, The *Forrest* of *Windsor* in *Berkshire*, *Cam. Brit. pag. 213.* Of *Pickering*, *Crompt. pag. 190.* Of *Skirowood*, *Id. fol. 202.* Of *Englewood* in *Cumberland*, *Anno 4 H. 7. cap. 6.* And *Crompt. fol. 42.* Of *Lancaster*, *Idem. fol. 196.* Of *Wolmore*, *Stowes Annals*, *pag. 462.* Of *Gillingham*, *Idem. pag. 113.* Of *Knaresborough*, *21 H. 8. 17.* Of *Waltham* *Caral. Brit. 328.* Of *Breden*, *Idem. pag. 176.* Of *Whitehart*, *Id. 150.* Of *Wiersdale*, *Id. pag. 589.* Of *Lownfall*, *ibid.* Of *Dean*, *Id. pag. 266.* 8 H. 6. 27. 19 H. 7. cap. 8. Of *St. Leonards* in *Suffex*, *Manwood*, *pag. 1. 144.* Of *Waybridge* and *Sapier*, *Id. pag. 63.* Of *Whitney*, *ibid. 81.* Of *Fekenharn*, *Cambr. pag. 441.* Of *Rockingham*, *Id. 396.* *Forest de la mer*, *Id. 467.* Of *Hackeslow*, *Id. 436.* Of *Asldowne*, in the County of *Suffex*, 37 H. 8. 16. Of *Whitelwood*, and *Swasy* in the County of *Northampton*, 32 H. 8. cap. 38. Of *Framfelwood* in the County of *Somerset*, *Co. lib. 2.* *Cromwells Case*, *fol. 71.* *Waterdown Forest*, *Amelwerth* and *Dallington*, all in *Suffex*, besides several others. See 17 Car. 1. cap. 16.

Foreſtarius, The *Forester* or *Keeper*, of a *Forest*, Assigned by the King as *Head Forester*, or *Warden* of a whole *Forest*; or else deputed by *Knights* and *Barons* who held *Land* and *Woods* within the bounds of a *Forest*, as under *Foresters*—*Rex præcipit quod omnes illi qui boscos habent intra metas foreſte Domini Regis, quod penant idoneos Foreſtarios in boscos suis*—*Item præcipit quod sui Foreſtarii curam capiant super Foreſtorum militum & aliorum.* *Parochial Antiquit. p. 174.*

Foreſtagium, Seems to signify some Duty or Tribute payable to the Kings *Foresters*, as *Chimnige*, or such like; *Et sint quieti de Theſonio & Poſſagio, & de Foreſtagio, &c.* *Carta 18. E. 1. m. 10. n. 30.*

Foreſtal, See *Foreſtal*.

Foreſtloſed, 33 H. 8. 39. Barred, and utterly excluded for ever, 2 par. *Inst. fol. 298.*

Foreſter, *Foreſtarius*, Is a sworn Officer of the *Forest*, appointed by the Kings Letters Patents, to walk the *Forest* both early and late, watching both the Vert and the Venison, attaching and presenting all Trespassers against them within their own Bayliwick or Walk,

whose Oath you read in *Crompt. fol. 261.* And though these Letters Patent be ordinarily granted but *quamvis se bene gesserint*; yet some have it to them and their Heirs; and thereby are called *Foresters in Fee*, *Id. fol. 157. 159.* By the same *Crompton* in *Latine, fol. 175.* *Foreſtarius feudi.*

Forejudger, *Forjudicatio*, Signifies a Judgment, whereby a Man is deprived, or put by the thing in question: It seemeth to be compounded of *For*, i. *præter* and *judger* *judicare*. *Bracton, lib. 4. tract. 3. cap. 5.* hath these Words, *Et non permittas quod A. capitalis Dominus feudi illius habeat custodiam heredis &c. quia in curia nostra foris judicatur de custodia, &c.* So doth *Kitchin* use it, *fol. 29.* and *Old Nat. Brv. fol. 44. & 81.* and the *Stat. 5 E. 3. cap. 9.* and *21. R. 2. cap. 12.* *Forjudicatus*, with Authors of other Nations, signifieth as much as *Banished*, or as *Deportatus* in the ancient Roman Law, as appeareth by *Vincenſius de Franchis, deſcis 101.* *Mathaus de affillis, Lib. 3. Feub. Rub. 31. pag. 625.*

Forejudged the Court, Is, when an Officer of any Court is expell'd the same for some Offence, or for not appearing to an Action by Bill filed against him, and in the later he is not to be readmitted, till he shall appear, 2 H. 4. 8. He shall lose his Office, and be forejudged the Court. *Spelman faves, Forjudicare interdum est male judicare.*

Forepurveyors, Be purveyors going before the King and Queen in Progress to provide for them, *Anno 30 E. 3. cap. 5.*

Forfeiture, *Forisfactura* Cometh of the French word *Forſaiſſ*, *id est, celus*; but in our Language signifieth rather the effect of transgressing a penal Law; then the Transgression it self, as *forfeiture* of *Escheats*, 25 E. 3. cap. 2. *Stat. de Proditionibus*: How Goods forfeited, and Goods confiscate differ, see *Stam. pl. cor. fol. 186.* where those seem to be forfeited that have a known Owner, having committed any thing whereby he hath lost his Goods; and those confiscate, that are disavowed by an Offendor, as not his own, nor claimed by any other; but we may rather say, that *Forfeiture* is more general, and *Confiscation* more Particular, to such as forfeit only to the Kings Exchequer. Read the whole Chapter, *Lib. 3. cap. 24.* Full *forfeiture*, *plena forisfactura*, otherwise called *Plena vita*, is *forfeiture* of Life and Member, and all else that a man hath, *Manwood, cap. 9.* The Canonists use also this word *Forisfactura sunt pecunia riva panno delinquentium*.

Forfeiture of Marriage, *Forisfactura Maritagii*, Is a Writ lying against him, who, holding by *Knights* service, and being under age, and unmarried, refuses her whom the Lord offers him without his disparagement, and marryeth another, *F. N. B. fol. 141. Reg. Orig. fol. 163.*

Forſang, *Antecapio*, What we use to call *Pre-emption*, is the taking of Provision from any one in Fairs or Markets, before the Kings Purveyors are served with Necessaries for his Majesty. *Et sint quieti de Wardwite, et de uilewe et Forvenge et Withfang, &c.* *Carta Hen. 1. Hoſp. sancti Barth. London. Anno 1121.*

Forſgabulum, *Forſgabul*, A small reserved Rent in Money. A quit Rent. *Ita quod ego Henricus Malmesburieſis vel heredes mei nihil juris de dicto tenemento cum pertinentiis de catro poterimus vindicare, exceptis vi denariis de Forſgabulo annuatim percipiendis ad Pascha pro omnibus serviciis.* *Ex Cartularia Abbatis de Radinges. M. f. 83.*

Forſgelba, *Forſgeld*. In the Charter of *Hen. 1.* To the Church of *St. Peter* in *York*—*Canonici & ſucceſſores & eorum homines*—*sint quieti de omnibus geldis Dani geldis, Fongeldis, Herngeldis, Forſgeldis, Penligeldis, the*

the thing peny, hundred peny. Miskeningis, cheragio, cheminagio de Ms.

Forgia. A Forge. *Forgia ferraria.* A Smith, Smiths Forge—*Omnibus*—*Henricus Rex*—*scilicet me concessisse*—*Monachis meis de Dene*—*decimam castaneorum meorum, & grangiam qua dicitur tuartedena, & unum forgiam ferrariam ita liberam*—*Cart. Henr. II.*

Forherda. A Herd-land, a Had-land, a Fore-land, or Head-land—*Excepitis quinque Acris videlicet Ebingatre, tribus acris in Mastrand, una forherdatub Langdome, & alia forherda sub la Cnolle ad pedes terrarum de dominico Abbatis*—*Cartular Abbat. Glasfion MS. f. 76.*

Forfeng. *Quiescuntium prioris prisce designat in hoc enim delinquent Bargenses Londonenses, cum prisas suas ante prisas Regis faciunt.* *Fleta, lib. 1. cap. 47. See Forfange.*

Forger. See the word next following. *viz. Forger of false Deeds.*

Forger of false Deeds. Cometh of the French *Forger*, i. *accudere*, to beat on an Anvil like a Smith, or else to fashion or bring into shape; and signifieth in our Common-Law either him that fraudulently maketh and publisheth false Writings, to the prejudice of any Mans Right, or else the Writ that lyeth against him that committeth this Offence, *F. N. B. fol. 96* calleth it a *Writ of Deceit*. See *Terms of the Law, verbo Forger of false Deeds*, and *West. Sim. part. 2. tit. Indictments, sect. 66*. See the *New Book of Entries, verbo Forger de Faits*. This is a Branch of that which the *Civilians* call *Crimen falsi*, Nam *falsarius est, qui diciendi causa scripta publica falsificat. Speculator de crimine falsi, falsi crimen propriè dicitur quod utilitatis privata causa factum est.* *Connarus, lib. 5. cap. 7. num. 4. Ad esse falsitatis tria requiruntur, mutatio veritatis, dolus et quod alteri sit nocivum, &c.* The Penalty for this Offence is declared in the Statute of 5 *Eliz. 41*.

Forinsecus. Outward, or on the outside.—*Excepto uno Selione Forinseco illius crofse versus anstrum ad faciendum quandam viam*—i. e. the outward Ridge or Furrow to be left for a Path or common way, *Mr. Kennets Glossary.*

Forinsecum Servitium. The payment of Aid, Scutage, and other extraordinary burdens of Military Service; oppos'd to *infrinsecum Servitium*, which was the common and ordinary Duties within the Lords Court and local Liberties. See *Mr. Kennets Glossary.*

Forinsecum Manerium. The Mannor, as that part of it which lies without the Bars or Town, and not included within the Liberties of it. *Summa reddituum assorum de manerio Forinsecum Banbury cum molendinis Forinsecis. Paroch. Antic. p. 351.*

Forrester. See *Forrester*.

Forestel. *Forestal.* Properly signifies the stopping up of ways; but now is vulgarly used for such as intercept and buy things before they come to the Marker, *Doomsday. See Forestal.*

Formedon. Breve de forma Donationis, is a Writ that lies for him that hath right to any Lands or Tenements, by vertue of any Entail growing from the Statute of *Westm. 2. cap. 1*. It lyeth in three sorts, and accordingly is termed *Forma donationis*, or *Formedon in the Descender*, *Formedon in the Reverter*, or *Formedon in the Remainder*; *Formedon in the Descender*, lyeth for the recovery of Lands, &c. given to one and the Heirs of his Body, or to a Man and his Wife, and the Heirs of their two Bodies, or to a Man and his Wife being Cousin to the Donor in *Frank marriage*, and afterwards alienated by the Donee; for after his Decease, his Heirs shall have this Writ against the Tenant or Alianee, *F. N. B. fol. 211*. He maketh three sorts of this *Formedon in Descender*: The first is in the manner now exprest. The second is for the Heir of a Coparcener that aliens and dies, *fol. 241*.

The third he calls (*in simul tenuit*) *fol. 216*. which lyeth for a Coparcener or Heir in *Gavelkind* before partition, against him to whom the other Coparcener or Heir hath alienated, and is dead. *Formedon in the Reverter* lyeth for the Donor or his Heirs, where Land entailed to certain and their Issue, with condition, for want of such Issue, to revert to the Donor and his Heirs, against him to whom the Donee alienateth, after the Issue extinct to which it was intailed, *F. N. B. fol. 219*. *Formedon in the Remainder* lyeth, where a Man giveth Lands in tail, the remainder to another in tail; and afterwards the former Tenant in tail dyeth without Issue of his Body, and a Stranger abateth, then he in the Remainder shall have this Writ, *Fitzb. Nat. Brev. fol. 217. See Reg. Orig. fol. 238, 242, 243*. Of this also see the *New Book of Entries, verbo Formedon*, and *Co. on Lit. fol. 326*.

Formella. A weight of Lead thus described in the Statute of Weights and Measures, 51 *Hen. 3. A. D. 1267. La Charre de plumbo constat ex 30. Formellis, & quelibet Formella continet sex petras, exceptis 2 libris, & qua libet petra constat ex 12. libris, & quelibet libra constat ex pondere 25 solidorum.*

Fornagium. Signifies the fee taken by a Lord of his Tenants bound to bake in his common Oven, as is usual in the Northern-parts of England, or for permission to use their own; also *Chimney* or *Hearth-Money*, see *Furnage*. *Et Dominus Rex proinde admittit per an. de extibus fornagii sui 10. libras Pl. coram Regi & ejus concil. in Parl. 18. E. 1. in Turri London.*

Fornication. *Fornicatio*, 1. *H. 7. 4*. Whoredom, the Act of Incontinency between single persons; for if either Party be married, it is Adultery: The first Offence herein was punished with Three Months Imprisonment, the second was made Felony in the late Times of Usurpation, by a pretended Act made 1650. *cap. 10. Scobells Collection.*

Foreprise. *Foreprisum*, May be derived from the French word *For*, that is *extra* and *prise*, *captio*, in which sense it is used in the Statute of *Exon. 14. E. 1*. but there written *Horsprise*; we still use it in *Convyanances*, wherein excepted and *foreprised* is a usual expression.

Forein. Many times used for a *Foreiner*, 34 & 35. *H. 8. cap. 1. 8. See Foreine.*

Forfechoke. Seems to signifie originally as much as *Forfaken* in our Modern Language, or *Direlictum* with the Romans: It is especially used in one of our Statutes for Lands or Tenements seized by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the year and day. As if we should say, that the Tenant, which seeing his Lands or Tenements taken into the Lords hand, and possessed so long, taketh not the course appointed by Law to recover them, doth in due presumption of Law disavow or forsake whatsoever right he hath unto them; and then such Lands shall be called *Forfechoke* says the Stat. 10 *E. 1. cap. unico.*

Forfchet. *Forfcheta*. From *Sax. For*, Before, and *Seat* a part or portion, the outer or forepart of a Furlong, the Skirt or Slip or small piece that lay next the high-way—*Una acra & dimidia videl. Forfchet jacent ibidem. Paroch. Antiquit. p. 531. hac pecia terra Prioris vocatur Herald's Pece, & habet nuntium Forfchetum jacentem proxime juxta predictam meram, ib. 535. See Mr. Kennets Glossary.*

Forses. *Catadupe*, *Waterfalls*, *Cam. Brit. tit. Westmerland.*

Forsal. Is to be quit of Amerciaments, and Cattel arrested within your Land, and the Amerciaments thereof coming says, *Termes de la Ley*. But *Spelman* says, 'Tis *vix obstruilla vel itineris interceptio*, with who-

whom agrees Co. on Lit. fol. 161. In *Doomsday* 'tis written *Forstall*, which see before. *Dediq; eis forstallum*, &c. & terram qua jacet ex utraque parte ejusdem forstalli, &c. Mon. Ang. 2. par. fol. 112. 60.

Forstalling, *Forstallatio*, Or according to *Spelman*, *vicarium obstruibile*, signifies the Buying or Bargaining for any Victuals or Wares coming to be sold towards any Fair or Market, or from beyond the Seas towards any City, Port, Haven, Creek, or Road of this Realm, and before the same be there, to the intent to sell the same again at a higher and dearer price, 51 H. 3. Stat. 6. *West. Symbol. part 2. tit. Indictments, sect. 64.*

Forstaller, In *Crompton's Jurisdiction*, fol. 153. Is used for stopping of Deer broke out of the Forest, from returning home again, or laying between him and the Forest in the way that he is to return. See *Regrators* and *Engrossers*, *Crompt. Just. of Peace, fol. 69.* In the Terms of the Law, 'tis thus defined, *Forstaller Forstallamentum*, is the buying of Corn, Cattel, or other Merchandise, by the way, as it cometh towards the Market or Fair to be sold. *Fleta* says, *Significat obstruendum via vel impedimentum transitu & fuga avariorum*, lib. 1. cap. 47. who shall be adjudged a forstall. See in 5 & 6. E. 3. cap. 14. *Forestal. est, si aliquis portaverit hales vel hujusmodi res ad forum, & statim alius venerit et emerit ab ipso illas res, ut carius vendat, Prior habebit emendas ab ipso*, Ex Reg. Priorat. de Cokesford. See 7. par. *Inst. fol. 195.*

Forlanda, Land edging or bordering, or lying outward — *Walterus Archiepiscopus Cantuar. concessit Wilhelmo de Presenden 150. acras murici in parochia de Stone in hundredo de Oxne — & terram super quam walla debet situari, cum xxiv. pedibus de Forland extra eandem wallam — dat Anno .19 Ed. 11. Ex Registro Ecclesie Christi Cantuar. Ms.* It seems an allowance in Meeting and Bounding, which they now call *Freebound*.

Forstescut, Was a learned Lawyer, and Lord Chancellor in the days of Hen. 6. who writ a Book in the Commendation of our Common-Law, intituled, *De Laudibus Legum Anglie.*

Fortheia — *Dedimus unam virgatam terrae cum messuagio propinquoire Fortheie, & alteram virgatam cum messuagio propinquoire domui quae fuit Aloni de Tydinton — Cartular de Radinges Ms. fo. 116. 6.*

Fortilitz, *Fortalium vel fortilem* Signifies a fortified place, or Bulwark or Castle; so 'tis said 11 H. 7. cap. 18. within the Towns and Fortilities of Berwick and Carlisle.

Fortier, (Fr.) signifies a place of some Strength, *Old Nat. Brev. fol. 45.*

Forthingles, Or otherwise *Farthingdel*, is the fourth part of an Acre or Penny, &c. See *Farthingdel*, see the Book of *Doomsday*.

Fossa Furca. See *Furca*.

Forurth, Along slip of Ground. — *Una acra inter tenementum Aurisabri & terram Abbatis, & una Forurthe quae se extendit a predicta acra versus orientem juxta cursum aquae, & computatur pro una acra. Cartular. Glaston. MS. 6. 124.*

Fossarum, A Ditch, or rather a place fenced with a Ditch, Ex dono Henrici Regis avi nostri unum fossatum tam largum quod naues possint ire et redire a flumine de Wichonia usq; ad Topholme Carta, 20 H. 3. m. 9. where it seems to signify the Trench of a cut River.

Fossatorum operatio, *Fossi-work*, Or the service of labouring, done by Inhabitants and adjoining Tenants for Repair and Maintenance of the Ditches round a City or Town: For which some paid a Contribution called, *Fossagium*. See Mr. Kennet's Glossary.

Fossellum, *Fossellum*, A Small Ditch. *una virgata terra, cum pertinentiis in West-Pennard quae vo-*

catur la More, videl. quinque acras in Chacecroft simul cum prato & fossello in eadem crosta. Cartular. Glaston. MS. f. 117.

Foffemay, From *Foffus*, digged was anciently one of the four principal High-ways of England, so called; because supposed to be digged and made passable by the Romans, and having a Ditch upon one side. See *Wasting-street*.

Foffa, Item diximus per sacramentum quod non videmus tempore Henrici et Richardi quendam Regum Anglie quid quis redderet decimas de foris aut de generis aut de fossis ubi prius fuerint demofmat — *Carta A. D. 1205. apud Scriptor. Normun. f. 1509.* Du Fresne cites this Authority in the word *Foccus*, and thinks it should be read *de foris*, instead of *de fossis*, i. e. As he interprets, waste and barren Ground: But he knows not what to make of *demofmat*, unless it might be read *demus dirute*. To give sense to these dark words, I think rather *fossis* is to be taken for *fossis*, Fr. *Fossion*, Grass cut or mowed for Hay; and *demofmat*, for *demissionat*, Fr. *moissoner*, *demoissoner*, to mow or cut down; and then the version will run thus: Also we have deposed upon Oath, that in the time of Henry and Richard, Kings of England, we never saw that any one paid Tith of Furz or Broom; or of Latter-math or after Pasture, where the Grass or Hay had been once mowed before.

Foster-land, Is Land given, assigned or set forth for the finding of Food or Victuals for any person or persons; as in Monasteries, for the Monks, &c.

Fotter or Fodder, Is a weight of about a Tun, or twenty hundred, which is a Wain or Cart-load. *Speight* in his Annotations upon Chaucer, in the Book of Rates, there is mention made of a Fodder of Lead, which according to *Skene*, is about one hundred twenty and eight stone.

Fotmel, A weight of Lead of Ten stone or Seventy pounds, as in this remarkable Authority, for the mensuration of Lead. *Saccus lanae debet ponderare 28. petras, & solebat ponderare summam frumenti & sic saccus lanae ponderat sextam partem carellatae plumbi scil. 50. petras, sex & viginti petrae faciunt carellatam plumbi London. Summa librarum carellata London. 2 mille & centum librae scil. de Waterforth-malet: Sex sacci lanae faciunt carellatam plumbi & quilibet saccus ponderat, 5. fotmels plumbi. Et duas petras scil. 18. libr. & quatuor xx. duodecim Weyes, faciunt unum carellatum plumbi, quilibet Wey continet 26. petras, scil. 2. cuttes, fotmel, & 6. petras quilibet petra continet vii. libras cere & 2. petra faciunt fotmel, ac fotmel ponderat 70. libr. & sic 31. fotmel & 2 petrae faciunt carellatam plumbi, & sic de una carellata plumbi possunt 20. pedes in altitudine & etiam in longitudine totidem cooperiri — Ex Cartular. S. Albani. MS. Coston Tiber E. 6. f. 260.*

Fovea, A Grave for Burial of the Dead. In the Statutes of the Church of St. Paul in London, it was ordained in the Chapter, *De servientibus Ecclesie — quod pro fovea faciendi in cimiterio per garciones suos non recipient dicti servientes pro divisa ultra iii. denar — pro mediocri, ii. den — cum per garciones eorum sit fovea, alioquin nihil percipiant. Liber Statutorum Recl. Pauline London. MS. f. 29.*

Founday, At the Iron works in melting and preparing the Mine, every Six daies they call a *Founday*; in which space, they make commonly Eight Tun of Iron, if you divide the whole Sum of Iron made by the *Foundays*: For at first they make less in a *Founday*, at last more. From the French *Foundre* to melt. 10 *Found*, whence *Beff-Founder*, a *Fount* or *Funt* of Letters, &c.

Fourch, *Afforcire*, Seemeth to come of the Fr. *Furchir*,

Fourchir, i. *titubare Lingua*, and signifies a delay, putting off, or prolonging of an Action, and it seems no unpleasant Metaphor, for as by flammering we draw out our Speech, not delivering that we have to say in ordinary time; so by *fourchir* we prolong a Suit, that might be ended in a shorter space. To *fourch* by *Essoine*, might be ended in a shorter space. To *fourch* by *Essoine*, *Wilm. 1. cap. 24. Anno 3. E. 1.* where you have words to this effect; Coparceners, Joynt-tenants, and Tenants in common, may not *fourch* by *Essoine*, to *Essoine* fevally, but have only one *Essoine*, as one sole Tenant may have. And *Anno 6. E. 1. cap. 10.* it is used in like sort. The Defendants shall be put to answer without *fourching*, &c. See *23 H. 6. cap. 2. and 2. par. Inst. fol. 250.*

Foutgeld or *Footgeld*, Is a compound of two German words, viz. *fou*, per, and *Gyldan solvere*; and signifieth an Amerciament, for not cutting out the balls of the feet of great Dogs within the Forest, see *Expeditate*. And to be guilt of *Footgeld*, is a privilege to keep Dogs within the Forest, unlawd, without punishment or control, *Manwoods Forest Law, cap. 25. num. 3.*

Foundation, The founding of a Colledge or Hospital, is called *Fundatio quasi fundatio*, or *fundamenti locatio*, *Co. lib. 10.*

Foundier, Is he that melteth Mettal, and maketh any thing of it, by casting it into a mould, *Anno 17 R. 2. cap. 1.* derived from the Verb *Fundere*, to pour out. We also say, That whoever builds and endows a Colledge or Hospital is the *Foundier*.

Fowles of Warren. See *warren*.

Frampole fences, Are such as any Tenant of the Manner of *Writtle* in *Essex* hath against the Lords Demesnes, whereby he hath the wood growing on the Fence and as many Trees or Poles as he can reach from the top of the Ditch with the Helve of his Axe, towards the repair of his Fence; but the reason of the name Etymologically we are yet to learn, and not willing to obtrude any idle fancy.

Franchife, *Franchisia*, *Libertas*, Is taken with us for a Privilege or Exemption from ordinary Jurisdiction, and sometimes an immunity from Tribute: It is either personal or real, *Crompt. Jurist. fol. 141.* that is, belonging to a person immediately, or else by means of this or that Place, or Court of Immunity, whereof he is either chief or a Member. In what particular thing a *Franchife* commonly consils, see *Britton, cap. 19.*

Franchife Royal, *15 R. 2. cap. 4. and 2 H. 5. cap. 7. in fine*, seemeth to be that where the Kings Writ runs, not as *Chester, Durham, &c.* which are called *Seigniories Royal*, *Anno 28 H. 6. cap. 4.* The Author of the *New Termes* of the Law saith, That *Franchife Royal* is, where the King granteth to one and his Heirs, that they shall be quit of Toll, or such like. See *Franchife* in the *New Book of Entries*, *Bracton, lib. 2. cap. 5.* See *Sac.* See also *Old Nat. Brev. fol. 4.*

Francigena. See *Englecery*.

Franching, A Freeholder, *Qui liberè tenet*, See *For. rescue de Land. Leg. Ang. cap. 29.*

Frankalmoin, *Libera Elemosyna*, In French *Frankalmoine*, Signifies a Tenure or Title of Land or Tenements bestowed upon God, that is, given to such People as bestow themselves in the Service of God, for pure and perpetual Alms; whence the Feoffers or Givers cannot demand any terrestrial Service, so long as the Lands, &c. remain in the Hands of the Feoffers. With this agreeth the *Grand-Custumary of Normandy, cap. 32.* Of this you may read at large, *Bracton, lib. 2. cap. 5. & 10.* See *F. N. B. fol. 211.* and the *New Book of Entries*, verbo *Frankalmoine*. *Britton*, in the forecited, makes another kind of this Land, given in Alms, but not in free Alms. As if an Abbot, &c. hold Lands of his Lord for certain Divine-Service to be done, as to sing

every Friday a Masse, or do some other thing, and if such Divine-Service be not done, the Lord may distrain; in such case the Abbot ought to do Fealty to the Lord; and therefore it shall not be said a Tenure in *Frankalmoine*, but a Tenure by Divine-Service; for it cannot be *Frankalmoine*, if any certain Service be expressed.

Frank-banke. See *Free-bench*.

Frank-Chafe, *Libera Chacea*, Is a Liberty of free Chase, whereby all Men having Ground within that compass, are prohibited to cut down Wood, &c. without the view of the Forester, though it be in his own Demesnes, *Crompt. Jur. fol. 187.*

Frank-fee, *Liberum feudum*, Is by Broke, *tit. Demesne, num. 32.* thus expressed, That which is in the Hands of the King or Lord of any Mannor being ancient Demesne of the Crown, (viz. the Demesnes) is called *Frank-free*, and that which is in the Hands of the Tenant is ancient Demesne only. See *Reg. Orig. fol. 12.* whereby that seemeth to be *Frank fee* which a Man holds at the Common Law to himself and his Heirs, and not by such Service as is required in ancient Demesne, according to the custom of the Mannor. And again, in the same Book, *fol. 14.* there is a Note to this effect, That the Lands which were in the Hands of King Edward the Confessor at the making of *Doomsday-Book*, is ancient Demesne, and that all the rest of the Realm is called *Frank-fee*, wherewith *Fitzherbert* agrees in his *Nat. Brev. fol. 161.* So that by this rule all the Land in the Realm is either ancient Demesne or *Frank-fee*. The Author of the *Termes of Law* defines *Frank-fee* to be a Tenure in Fee-simple of Lands pleadable at the Common-Law, and not in ancient Demesne. *Fachineus, lib. 7. cap. 39.* makes *Feudum francum esse pro quo nullum servitium praestatur Domino*, with whom agrees *Zafius de feudis, part. 12.* saying, That therefore it is *Feudum improprium, quia ab omni servitio liberum*.

Frank-ferme, *Firma Libera*, Is Land or Tenement, wherein the nature of fee is changed by Feoffment out of Knights-service, for several yearly Services; and whence neither Homage, Worship, Marriage, nor Relief may be demanded, nor any other Service not contained in the Feoffment, *Britton, cap. 66. num. 3.* See *Fee-ferme*.

Frank-fold, Is, where the Lord hath benefit of folding his Tenants Sheep within his Mannor for the manuring of his Land, *Kel. Rep. fol. 198.* It is a compound irregular out of the French *Franc*, that is, free; and the Saxon *fald*, that is, a fold. See *Faldage*.

Frank-law Libera Lex, See *Crompt. Just. fol. 156.* where you shall find what it is by the contrary; for he that for an Offence, as Conspiracy, &c. loseth his *Frank-law*, is said to fall into these Mischiefs; First, That he may never be impanelled upon any Jury or Assise, or otherwise used in testifying any Truth. Next, If he have any thing to do in the Kings Court, he must not approach thither in person, but appoint his Attorney. Thirdly His Lands, Goods, and Chattels must be seised into the Kings Hands; and his Lands must be estreaped, his Trees rooted up, and his Body committed to Prison; for this the said Author citeth, *Lib. Assis. fol. 39. Conspiracy, 24 E. 3. fol. 34.* See *Conspiracy*.

Frank-marriage, *Liberum maritagium*, Is a Tenure in tail special, growing from these Words in the Gift comprised, *Sciatis &c. me M. H. de W. dedisse & concessisse & presenti Charta mea confirmasse J. A. filio meo & Margerie uxori ejus, filia vera T. N. in liberum maritagium unum Messuagium, &c.* West Symbol. part. 1. lib. 2. sect. 303. The effect of which Words is, That they shall have the Land to them and the Heirs of their Bodies, and shall do fealty to the Donor till the fourth degree. See *Termes de la Ley, Glanville, lib. 7.*

cap. 18. and *Bract.* lib. 2. cap. 7. num. 4. divideth *Maritagium* in liberum & servitio obligatum, see *Marriage*. *Fleta* gives this reason why the Heirs do no Service until fourth the Descent, *Ne donatores vel eorum heredes, per homagii receptionem a reversione repellantur*. And why in the fourth Descent, and downward, they shall do Service to the Donor, *Quia in quarto gradu vehementer presumitur, quod terra non est pro defectu heredum Donatorum reversionaria*, lib. 3. cap. 18.

Frank-pledge, Franci-plegium. From the French *Frank*, liber, and *pledge*, i. *fideiussor*, signifies a Pledge or Surety for Free-men: For the ancient Custom of Free-men of England, for the preservation of the Publick Peace, was, That every free-born Man at fourteen Years of age, after *Bracton* (Religious Person, Clerks, Knights, and their eldest Sons excepted) should find Surety for his Truth towards the King and his Subjects, or else be kept in Prison; whereupon a certain number of Neighbours became customably bound one for another, to see each Man of their Pledge forth-coming at all times, or to answer the Transgression committed, by any broken away: So that whosoever offended, it was forth-with inquired in what Pledge he was, and then they of that Pledge either brought him forth within 31 Days to his Answer, or satisfied for his Offence. This was called *Frank-pledge*, and the Circuit thereof *Decenna*, because it commonly consisted of ten Households, and every particular Person thus mutually bound for himself and his Neighbours, was called *Decennarius*, because he was of one *Decenna* or another. This Custom was so kept, that the Sheriffs at every County-Court did, from time to time, take the Oaths of young Ones, as they attained the age of fourteen Years, and see that they comprised in some *Dozen*; whereupon this Branch of the Sheriffs Authority was stiled *Viscus Franci Plegii*, *View of Frank-pledge*. See the Statute for *View of Frank-pledge*, made 18 E. 2. See also *Decennier*, *Leet*, *View of Frank-pledge*, and *Friborh*. That we borrowed this Custom of the *Lombards*, manifestly appears in the Second Book of *Feuds*, cap. 53. upon which read *Hotoman*, &c. what Articles were wont to be enquired of in this Court. See in *Hornes Mirrour of Justice*, lib. 1. cap. de la venue des francs pledges; And what these Articles were in former times, see in *Fleta* lib. 2. cap. 52. and 4. par. *Inst.* fol. 73. In an ancient Charge of the Quest of *Wardmote*, in every Ward in London, It is said, *And if there be any person within the Ward that is not under Frank-pledge*, that is to say, under Love and Law, &c.

Frateria, A Fraternity, Brotherhood, or Society of Religious Persons who were mutually bound to pray for the good Health and Life, &c. of their living Brethren, and the Souls of those that were dead. In the Statutes of the Cath. Church of *St. Pauls* in London, collected by *Ralph Baldok* Dean, 1295. there is one Chapter de *Frateria Beneficiorum Ecclesie, S. Pauli*: and the Institution of it in that Church is thus recorded. *Anna ab incarnatione Domini, M. C. xc vii. in crastinis ascensionis beata Maria auctoritate Radulphi de Diceto Ecclesie S. Pauli Londoniarum Decani & assensu Fratrum Canonice institutum est ut in singulis annis quater in nans conveniant universi Officium pro defunctis Fratibus Societatis celebraturi, & quotquot erant Sacerdotes ejusdem Societatis fratres eadem die missam celebrarent, &c.* — Ex Libro Statut. Eccl. Paul. Lond. Script. ad mandatum Tho. Lyseaux Decani. Ms. f. 24. b.

Freebench, Fretebenchia. Among the customary Services done by the Tenants in *Chelsworth*, a Manor belonging to the Abby of *St. Edmundsbury* — preterea numerat ad firmam unam summam & dimidiam de brasio avena & dimidiam summam de grido ardei & dimidiam summam frumenti, & quarterium vacca &

dimidiam Fretebenchiam pacabiles & unam ancum, &c. *Curular.* 8. *Edmundi* Ms. f. 410. — unam summam frumenti & dimidiam vaccam & unam Fretebenchiam pacabiles. ib. where by *Fretebenchia* I think is meant a *Porker*, or young Hog kill'd for *Pork*, not *Bacon*.

Freestat, Navis fretata. A Ship freighted, a laden Vessel. — In *Processu Placiti* coram majore villa *Bristol* anno 18 Edw. 11. compertum est quod *Magister Navis Sancti dominici de Placentia* & alii socii sui monstraverunt domino Regi quod fretati fuerunt cum vinis addutendis in *Flandriam*,

Fretta, Fret-work, Fretatur, fretted, Fretatur. So *Fretura*, a fresse or fretture. — *Capsa aperta jameto rubeo, cum fretis & scutis breudatis, preterquam in tergo.* Mon. Angl. tom. 3. p. 321. Unus paucus de viridi campo, cum rosulis inter *Freturas*, ib. p. 326. *Sandalia* — cum caligis breudatis & *Fretutis*, de armis palatis & undatis, ib. p. 314.

Free-bench, Frank-bank, Francus bancus, that is, *sedes libera*, signifies that Estate in Copy-hold Lands, that the Wife being espoused a Virgin hath, after the decease of her Husband, for her Dower, *Kitchin*, fol. 102. *Bracton*, lib. 4. tract. 6. cap. 12. num. 3. hath these Words, *Consuetudo est in partibus illis, quod uxores maritorum disjunctorum habeant francum bancum suum de terris sockmannorum & tenent nomine dotis.* *Fitzherbert* calls it a *Custom*, whereby in certain Cities, the Wife shall have her Husbands whole Lands, &c. for her Dower, *Nat. Brev.* fol. 150. See *Plowden* fol. 411. In the Case of *Newb.* Of the *Free-bench*, several Mannors have several Customs, as at *Eaff* and *West Enborne* in the County of *Berks*, If a customary Tenant die, the Widow, shall have her *Free-bench* in all his Copy-hold Lands, *dum sola et casta fuerit*; but if she commit Incontinency, she forfeits her Estate: Yet if she will come into the Court riding backward on a black Ram, with his tayl in her Hand, and say the words following, the Steward is bound by the Custom to readmit her to her *Free-bench*.

Here I am
Riding upon a black Ram,
Like a White as I am;
And for my Crincum Crancum,
Have lost my Binkum Bancum;
And for my Tayler game,
Have done this wordly shame,
Therefore I pray you, Mr. Steward let me have
my Land again.

The like Custom there is in the Mannor of *Torre* in *Devonshire*, and other Parts of the West.

Fredwit. See *Fletwit*.

Free-bord, Franchetia. In some places they claim as a *Free-bord*, more or less ground beyond or without the Fence. In *Mon. Ang.* 2. par. fol. 241. It is said to contain two foot and a half, viz. *Et totum boscum vocat. Bretewood cum frankborda, Et duorum pedum & dimid. per circuitum illius bosci, &c.*

Free-Chappel, Libera Capella. In the Opinion of some is a *Chappel* founded within a Parish, for the Service of God, by the devotion and liberality of some good Man, over and above the Mother-Church, to which it was free for the Parishioner to come, or not to come, and endowed with Maintenance by the Founder and thereupon called *Free*. Others with more probability say, That those only are *free Chappels* that are of the King's foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may Licence a Subject to found such a *Chappel*, and by his Charter exempt it from the *Diocefan* Jurisdiction. See *Reg. Orig.* fol. 40, 41. These *Chappels* were all given to the King, writ

with Chanteries, 1 E. 6. 14. *Free-Chappel* of St. Martin le Grand, 3 E. 4. cap. 4. and 4 E. 4. cap. 7.

Freehold. See *Frishtoll*.

Freehold, *Frank-tenement*, *Liberum tenementum*, Is that Land or Tenement which a Man holdeth in Fee, Fee tail, or at the least for term of Life, *Bract. lib. 2. cap. 9.* In the *Termes of the Law* 'tis said, That *Freehold* is of two sorts, *Freehold* in Deed, and *Freehold* in Law: *Freehold* in Deed, is the real possession of Land or Tenements in Fee, Fee-tail, or for Life. *Freehold* in Law, is the Right that a Man hath to such Land or Tenements before his Entry or Seizure. It hath likewise been extended to those Offices which a Man holdeth either in Fee, or for term of Life. *Britton* defines it to this effect, *Frank-tenement* is a possession of the Soyl, or Services issuing out of the Soyl, which a Free-man holdeth in fee to him and his Heirs, or at the least for term of his Life, though the Soyl be charged with free Services or other cap. 32. *Freehold* is sometimes taken in opposition to Villenage, *Bract. lib. 4. 37. 38. Lamberts* in his Explication of Saxon words, verb. *Terra & scripta* saith, That Land in the Saxons time was called either *Book-land*, that is, holden by Book or Writing; or *Fleiland*, that is, holden without Writing. The former he reports was held with far better condition; and by the better sort of Tenants, as Noblemen and Gentlemen, being such as now we call *Freehold*. The later was commonly in the possession of Clowns, being that we now call *Ad voluntatem Domini*, At the will of the Lord. The *Register Judicial*, fol. 68. and in divers other places saith, That he which holds Lands upon an Execution of a Statute Merchant, until he be satisfied the Debt, *Tenes ut liberum tenementum sibi et assignatis suis*. And fol. 73. the same may be read of a Tenant by *Eligis*, where the meaning is not, that they be *Freeholders*, but as *Freeholders* for their time, that is, until they have gathered Profits to the value of their Debt. *Freeholders* in the ancient Law of Scotland were called *Milites*, *Skene de verbor. Signif. verb. Milites. Doctor and Student*, that the possession of Land after the Law of England, is called *Frank-tenement* or *Freehold*, fol. 97. a.

Fraxinetum, A Wood of Ashen-Trees, *Doomsday*.

Frenchman, *Francigena*, was heretofore wont to be used for every Outlandish-man, *Bract. lib. 3. tract. 2. cap. See 15 Englecerey*.

Friendless-man, Was the Saxon word for him that we call an Outlaw, and the reason might be, because upon his exclusion from the King's Peace and Protection, he was denied all help of friends; after certain days; Nam *forisfecit amicos*, *Bract. lib. 3. tract. 2. cap. 12. num. 1.* whose words are these, *Talem vocant Angli (utlagh) & alio nomine antiquitus solet nominari, se. Friendless-man, & sic videtur quod forisfecit amicos, & unde quis talem post Uilagiam & expulsiorem scienter pariter, receptaverit vel scienter communiaverit aliquo modo, vel receptaverit, vel occultaverit, eadem pena puniri debet, qua puniretur utlagatus, ita quod careat omnibus bonis suis & vita, nisi Rex ei pareat de sua gratia.*

Friendmire vel *Inteng*, *Significat quietantiam prioris prisa ratione convivi*, *Fleta, lib. 1. cap. 47.*

Fretta, *Fresh-water*, or *Rain*, and *Land*, *Floud*. — *Raddendo inde nobis duas marcas argenti — pro omni servitio, nisi quod debet mallare secundum quantitatem illius terre intus & extra, tam contra fursam, quam contra fursam, sicut ceteri, & curiam nostram sequi* — *Charva Antiq. in Sumner of Garvelkind, p. 132.*

Fresh Disseisin, *Frisca disseisina*, Cometh of the French *Fraiz*, i. recens and *disseisin*, a possessione ejicere; It signifies such a *Disseisin* as a Man may seek to defeat of himself, and by his own Power, without the help of the King or Judges, *Britton, cap. 5.* and that such

disseisin as is not above fifteen dayes old, *Bracton, lib. 4. cap. 5.* whom you may read at large in this Matter, concluding that it is arbitrary, and so doth *Britton, cap. 63.* But cap. 43. he seemeth to say, That in one case it is a year. See him also, cap. 44.

Fresh fine, Is that which was levied within a year past, *Westm. 2. cap. 45. Anno 13. E. 1.*

Fresh force, *Frisca fortia*, Is a force done within forty Dayes, as seems by *F. N. B. fol. 7.* For if a Man be disseiled of any Lands or Tenements within any City or Borough, or despoiled from them after the death of his Ancestor, to whom he is Heir, or after the death of his Tenant for Life, or in tail; he may within forty Dayes after his Title accrued, have a Bill out of the Chancery, to the Mayor, &c. See the rest there, and *Old Nat. Brew. fol. 4.*

Fresh suit, *Recens insecutio*, Is such a present and earnest following of an Offendor, as never ceaseth from the time of the Offence committed or discovered, until he be apprehended. And the effect of this in the pursuit of a Felon is, that the party pursuing shall have his Goods again, whereas otherwise they are the Kings. Of this see *Stamf. pl. cor. lib. 3. cap. 10. & 12.* where you shall find handled at large what *suit* is to be accounted *fresh*, and what not. And the same Author in his First Book, cap. 29. saith, That *fresh-suit* may continue for seven years. See *Cokes Rep. lib. 3. Ridgewayes Case*. *Fresh suit* seemeth to be either within the View or without; For *Mamwood* saith, That upon *fresh suit* within the View. Trespassers in the Forest may be attached by the Officers pursuing them, though without the limits and bounds of the Forest, cap. 19. per totum.

Fretum, *Freight-Mony*. — *Acquietari facietis fretum navium secundum quod Marinelli earundem Navium probare possint quod erit debitum de Fretto* — *Claus. 17. Joh. m. 16.*

Friborgh, alias *Friburgh*, alias *Frisburgh*, *Friedburgum*, Cometh of two Saxon words, viz. *Freo*, i. liber, and *borgh* *fidejussor*, or of *frid Pax*, and *Borthe Sponsor*; this is called after the French *Frank pledge*, the one being in use in the Saxons time, the other since the Conquest: Wherefore, for the understanding of this, read *Frank-pledge*. That it is all one thing, appears by *Lambert* in his Explication of Saxon words, verbo *Centuria*. And again, in the Law of King *Edw.* set out by him in these Words, *Præterea est quadam summa & maxima securitas, per quam omnes statim firmissimo sustinentur, viz. ut unusquisque stabilizat se sub fidejussionis securitate quam Angli vocant Freoborghes. Soli tamen Eboracenses dicunt eandem Tienmannacale quod sonat Latine decem hominum numerum. Hæc securitas hoc modo fiebat, quod de omnibus villis totius Regni sub decennali fidejussione debebant esse universi; ita quod si unus ex decem, forisficeret, novem ad reatum eum haberent, quod si fugeretur daretur lege terminus ei 31. dierum, ut quæstus interim & inventus ad justitiam Regis adduceretur, &c.* As in the Book *Bracton* maketh mention of *Friedburgum*, lib. 3. tra. 2. cap. 10. in these words, *Archiepiscopi, Episcopi, Comites et Barones, et omnes qui habent Soc et Sak, Tol et Team, et hujusmodi libertates milites suos & proprios servientes, &c. sub suo Friedburgo habere debent. Item et isti suos Armigeros & alios sibi servientes: Quod si cui forisficerint, ipsi Domini sui habeant eos ad reatum esse non habuerint, solvant pro eis forisfacturam, et sic observandum erit de omnibus aliis qui de alicujus manupastu. Out of which words may be gathered the reason why great Men were not combined in any ordinary Dozein, viz. because they were a sufficient Assurance for themselves and their Servants, no less than the ten were one for another in ordinary Dozeins. See *Frank-pledge*, and *Skene de verbor. Signif. verb. Frieborge*. *Fleta* writes this word *Frisburgh*, and*

useth it for the principal Man, or at least for a Man of every Dozen. *Friethborgh* (saith he) est laudabilis homo testimani liber vel servus, &c. lib. 1. cap. 47. sect. *Friethborgh*. See *Hoveden*, part. poster. annal. suar. in *Henrico 2.* fol. 345.

Fridstoll a *Friethstom*. From the Saxon *Fird*, signifying *Peace*, and *Stoll* a *seat* or *stool*; so that it is a *Seat*, or place of *Peace*. In the Charter of Immunities granted to the Church of *Saint Peter* in *York*, confirmed *Anno 5. H. 7.* *Fridstoll* is expounded *Cathedra pacis et quietudinis*. There were many of these in *England*, but the most famous was at *Beverly*, bearing this Inscription, *Hec sedes lapidea Freedstoll dicitur*, id est, *Pacti Cathedra*, ad quam reus fugiendo pervenienti omnimodam habet securitatem, *Camd.* In the Charter of *Hen. 1.* to the Church of *Saint Peter* in *York*, *Siquis visens spiritu agitatus diabolico ausu quemquam capere presumat in cathedra Lapidea juxta Altare quam Angli vocant Fridstoll id est cathedra quietudinis vel pacis; hujus tam flagitiosi sacrilegii emendatio sub nullo iudicio erat, sub nullo pecunie numero claudebatur, Ms.*

Frier, *Frater*, In French *Frere*, is an Order of Religious Persons, of which these are the four principal Branches, viz. 1. *Minors*, *Grey friers* or *Franciscans*. 2. *Augustines*. 3. *Dominicans* or *Black-friers*. And 4. *White-friers* or *Carmelites*, of which the rest descend. See in *Zachius* de *Rep. Eccl.* pag. 380. Vide *Linwood* titulo de *Relig. dimissur.* cap. 1. verb. *Sancti Augustin.*

Frier observant, *Frater observans*, Is an Order of *Franciscans*, which are *Minors*, as well the *Observants* as the *Conventuals* and *Capuchines*, *Zach.* de *Rep. Eccl.* tract. de *Regular.* cap. 12. These we find mentioned *An. 25. H. 8. cap. 12.* They be called *Observants* because they are not combined together in any *Cloyster*, *Convent* or *Corporation*, as the *Conventuals* are; but only tie themselves to observe the *Rites* of their Order more strictly than the *Conventuals* do; and upon a singularity of *Zeal*, separate themselves from them, living in certain places, and Companies of their own choosing: And of these you may read *Hospinianus*, de *Orig. & Progress. Monachatus*, fol. 878. cap. 38.

Friprieit, Is deduced from the French *Fripier*, *inspulator*, one that scoureth up and cleanseth old Apparel to sell again: It is used for a kind of *Broker*, *Anno 1 Jac.* cap. 21.

Friethborgh. See *Freeborgh*.

Friethbrieth, *Pacti violatio*. The breaking of the *Peace*, *Leg. Escheletii*, cap. 6. See *Frythe*.

Friethgear. *Inter Leges Presbyterorum Northanhumbrensum* cap. 48. *Si superstitiosus ille conventus qui Friethgear dicitur, habitus fuerit in terra alienius circa lapidem, arborem, fontem, &c.* Mr. *Somter* thinks it a sort of *Jubilee*, or Yearly-meeting for *Peace* and *Friendship*, from *Sax.* *Frieth*, *Peace*, and *gear*, a year.

Friethmore per *Friethmore*, *J. Stanley* *Arm.* clamat capere annuatim de villa de *Oton* qua est infra sedum et Manerium de *Aldford* infra forestaria de la mer 10. fol. quor *Comites* castris ante confessionem curie predictae solabant capere. *Pl.* in *Itin.* apud *Cestr.* 14 H. 7.

Friethstoken, *Friethstocra* a *Fritstoke*, Signifies *forty* of *Defence*, *Tuenda pacis jurisdictione*. It seemeth to be drawn from these two Words, *Frieth* or *fird*, *peace*, and *sine libertas*. *Fleta* saith, it is *Libertas habendi Franci plegii*, or *locus immunitatis*.

Froborg or *Froburgh*. See *Friburgh* and *Frankpledge*.

Frodborstell, But more truly *Freemorstell*, Is an Immunity or Freedom granted for *Murder* or *Man-slaughter*.

Fropse. Among the Customs of the *Abby* of *Saint Edmundsbury*, solemnly declar'd by the *Abbot*, *Prior*, and *Convent*, 17. *Kal. Novemb.* 1280. — *Quia*

multotiens de *Clis* *Conventus* in *Refectorio* propter defectum piscium tenuis habetur et exilis, de cetero cibarium illud quod dicitur *Froyse* certis diebus in *refectorio* tum pro *fercals* quam pro *pitantis* prandentibus apponatur, ut ex eo melius reficiatur et recreentur, — *Cattular.* *St. Edmunds.* *Ms.* penes *Job. Epum Norwic.* f. 102. By which we may conclude the old *Conventual Froyse* was plain *Pancakes* or *Fritters*, not fried with *Bacon*, intermixt as what we still call *Froyse* is now prepar'd.

Frumgild, Is an old *Saxon* Word, which signifies the first payment made to the Kindred of a slain Person, in *Recompence* of his *Murder*, *Leg. Edmundi*, cap. ultimo.

Fcumstol, *Sedes priaria*, The chief *Seat* or *Manfion House*, *Leg. Ina Reg.* cap. 38.

Fcusfa terra, *Uncultivated* and *desart Ground*. — *fundata fuit Ecclesia in sua seu fundo* — continet 40 acras terre fruce — quas quidem 40 acras — sine aliquo seculari servitio, sine decimis sicuti Ecclesie solvendis, seu subjectione quia inanes erant et vacuae — *donavit.* *Mon. Angl.* tom. 2. p. 327.

Ffrussura *Domorum*, *House-breaking*. *Statut.* de *latro cinis* et *frussura domorum*. *Gervas.* *Doborn.* *Sub.* ann. 1195. *Frussura terre*. *New broke Land*, or lately ploughed up. — *Dicham* autem nonam garbam dabimus, *Ego & heredes mei* in *peptuum*, tam in *frustris* que de novo sunt, quam in aliis terris domini mei prius cultis — *Mon. Angl.* tom. 2. p. 394.

Ffrullare terram, To break up new Ground, and reduce it in *frustram*, to new broke Land. — *Idem* *Galsfridus* concessit predicto *ablasi* decem acras terre ad *frullandum* cum *vignis* quatuor acris terre que *frustata* sunt in *baddeley*. *Sulvo* predicto *Galsfrido & heredibus* suis *communi* *pascua* in *predicla* *frustura* post *blada* *asportata*. *Cattular.* *Abbat. Glaston.* *Ms.* f. 48. a. *Frustum* terram in the same Sense. *ib.* f. 90. and *Frustum* for a Field new broke up, *ib.* f. 71.

Frustum terre, Or, according to *Spelman* *Frustum*, A small piece of Land, *Residuum quiddam prater acras numeratas vel campum mensuratum*. Cum in *Doomsday* *Frustum terre* accipiatur pro *ampla* *portione* *seorsum* a *campo villa*, *Manerio* *jacenti*. *Doomsday*, tit. *Hantise.* *Rex Abbedis* *in* *insula* *babet* *Rex unum* *Frustum terre* *unde* *exemit* *61* *Vomeris*.

Fryth, *Co.* on *Lit.* fol. 5. Expounds it a Plain between two Woods, and so is it used in *Doomsday*; *Chaucer* uses it for a Wood. *Camden* in his *Brit.* for an Arm of the Sea, or great River, and so we frequently use it at this Day. *Smith* (in his *Englands Improvement*) makes it signify all *Hedgewood*, except *Thorns*. It is a task to reconcile this, when they all disagree with the *Saxon*, with whom we know *fird* or *frieth* signifies *Peace*.

Frytting of Wheels. Perhaps what we now call the *riding* of *Wheels*, i. e. *sitting* and *fastning* the *Fellows* (or pieces of Wood that conjointly make the Circle) upon the *Spokes*, which on the top are let into the *Fellows*, and at the bottom into the *Hub*. — In *solatis* pro *fryttinge* *quinque* *rotarum* *hoc* *anno* *vii.* *denar.*

— *Parochial Antiquit.* p. 574.

Fuage or *Focage*, Derived a *foco*: In the Reign of *Edward* the Third, the black Prince of *Wales* having *Acquitayne* granted him, laid an *Imposition* of *Fuage* or *Focage* upon the Subjects of that *Dukedome*, viz. twelve pence for every *Fire*, call'd *Herib-Money*, *Rot. Parl.* 25 E. 3. 'Tis probable our *Herib-Money* took its original from hence.

Fuer, *Fuga*, From the French *Fuir*, *fugere*; Though it be a Verb, yet it is used substantively, and is twofold; *Fuer in fuit* (in *falto*) when a Man doth apparently and corporally fly, and *fuer in ley* (in *lege*) when being called in the County he appeareth not, until be

be Outlawed; for this is flight in interpretation of Law, *Stamf. pl. cor. lib. 3. cap. 22.*

Fugacium. John Grey Bishop of Norwich grants to the Prior and Monks of his Cathedral Church this Privilege in his Woods at Thorp. *Omnes exiru de nemore communi provenientes equaliter dimidiabimus scil. herbagium pannagium, pasturam, bruerium, turbarium, fugerium, Subbucum, radices ficcas, placita, forisfactura, &c.* *Ex Reg. Eccl. Norwic.*

Fugacia. Signifies a Chase, and is all one with *Chasus*; *Charta Matildis Imperatricis Miloni de Glouc.*

Fugitives Goods. *Bona fugitivorum.* Are the proper Goods of him that flyeth upon Felony, which after the flight lawfully found, do belong to the King, or Lord of the Mannor. *Co. vol. 6. fil. 109. See Walf.*

Fumage. *Fumagium.* Dung, or manuring with Dung, *Et sint quieti de fumagio & Maremio cariando, &c. carta R. 2. Priorat. de Hertland, Pat. 5 E. 4. part 3. m. 13.* But indeed *Fumagium* was properly Smoke, Farthings, or a customary Payment from every House that had a Chimney or Fire Hearth.

Fumatores or Fumadores. *14 Car. 2. cap. 31.* Our Pilchards garbaged, salted, hanged in the Smoke, and pressed, are so called in Italy and Spain, whither they are carried in great numbers.

Fundator. The Founder of a Church, College, Hospital, or other Publick Benefaction. This Title in the old Religious Houses was equivalent to Patron: For it was not only given to the first actual Founder, but continued to those Barons and Knights, who held the fee of the site or endowments of such Monasteries, and by such tenure had the patronage or advowson of them. And if after the Extinction or long Intermision of this Title, any Person could prove his Descent from the first Founder, He was assum'd by the Religious to the Name and Honour of their Founder. See Mr. Kennett's Glossary in *Fundator*.

Furbote, furbote, Firebote. A Liberty granted by the Lord to his Tenant, to take under-wood for Fire, or occasions of burning in his Family. — *Habeant & in boscu mea husbote, & heybote, & furbote.* — *Cartular. Abbat. Glaston. Ms. f. 36. b.*

Furta. (*Et fossa*) The Gallows and the Pit; In ancient Privileges it signified a Jurisdiction of punishing Felons, that is, Men by hanging, Women by drowning. *Skene de verbor. Signif. verb.* *Fossa*, hath these Words concerning this Matter. *Brellio furcarum est meri im perii & alta Justitia, & significat. Dominum aeris, quia suspensi pendent in aere: Et merum Imperium consistit in quatuor, sicut sunt quatuor elementa: In aere ut hi qui suspenduntur, in igne quando quis comburitur propter maleficiam. In aqua quando quis ponitur in calce & in mare projicitur ut parricida, vel in amnem immergitur ut Famine furci damnate. In terra cum quis decapitatur & in terram prostratur.*

Furcare. Fr. *Foucher.* — *Caveant Vir & Mulier implicitati, quod semper in essonio alterius alter compareat, quamdiu furcare possint, & cum ultra non possint concurrunt eorum essonia in suis locis.* — *Hec autem omnia dico de pluribus Participibus, ubi terra imper tui est, seu tenementum videlicet de furcatione essonii & de defaultis proutinentibus.* *Radulf. de Hengham. Magna, cap. 9. See Fouch.*

Furcare ad tassum. To pitch Corn, in loading a Waggon, or in making a Rick or Mow. *Tenentia debent falcare, spargere, vertere, cumulare, curare in maverium Domini, & ad tassum furcare unam acram prati.*

Furcare caretam. I suppose to hang a Waggon or Cart, i. e. to fit the Body of it to hang right upon the Axle and Wheels. — *Allocantur eidem pro Ricardo Plumbario furcante caretam per xii. dies iii.*

fel. — ut pro Johanne Bowden furcante caretam per unam diem 3d. — Paroch. Antiquit. p. 550.

Furcendellus, Fardella, Ferlingus. A *Furcendal, Fardingel, Farundel, or Ferling* of Land, i. e. the fourth part of an Acre, which in Wiltshire is still called a *Fardingale*, and in some other parts a *Furbindale*. Whence in the North, a *Furndel* or *Frundel* of Corn is two Gawns or Gallons, i. e. the fourth part of a Bushel. See Mr. Kennett's Glossary.

Ad Furcam et flagellum. The meanest of servile tenure, when the Bondman was at the disposal of his Lord for Life and Limb. — *Defendens dicit quod non debet fucere dotem — quia ipse tenet in vilenagie ad furcam et flagellum de Domino suo Ricardo de Camvil. — Placit. term. Mich. anno 2 Joh. Rot. 9.*

Fusserum. A Wood, or Wood-ground, *Doomsday.*

Furlong. *Ferlingum terre.* Is a quantity of Ground containing in most places forty Poles, every Pole sixteen foot and a half in length; eight of which furlongs make a Mile, *Anno 35 E. 1. cap. 6.* It is otherwise the eighth part of an Acre; yet an old Book printed in Henry the Eighth's time makes 600 foot, by fivescore to the hundred, a furlong, *See Acte.* In the former signification, the Romans call it *Stadium*, in the later *Jugerum*: A Pole is in some places called a *Perch*, and differs in length according to the Custom of the Country. See *Perch*.

Furnage. *Furnagium.* *Est tributum quod Domino furni a sectatoribus penditur ob usum furni.* For in many places the Tenents are bound to bake their Bread in the Lords Oven. *Est etiam lucrum seu emolumentum quod Pistori conceditur in Pistoris sumptus et mercedem et tunc potest Pistor de quolibet quartario frumenti lucrare 4 Den. & furfur & duos panes ad furnagium Assisa panis & cervisie, 51 H. 3. See Fornagium.*

Furra. *Furra.* Cometh from the French *Fouurer*, i. *pelliculare*, to line with Skins. The Statute 24 H. 8. cap. 13. mentions divers, as *Sable*, which is a rich *Furr*, of colour between black and brown, being the Skin of a Beast called a *Sable*, of bigness between a *Pole-cat*; and an ordinary *Cat*, and shaped like a *Pole-cat*; bred in *Russia*, but the most and best in *Tartary*. *Lucernes* is the Skin of a Beast so called, being near the bigness of a *Woolf*, of colour between red and brown, something mailed like a *Car*, and mingled with black spots; bred in *Muscovia* and *Russia*, and is a very rich *Furr*. *Genet* is the Skin of a Beast so called, of bigness between a *Cat* and a *Wheezle*, mailed like a *Cat*, and of the nature of a *Cat*; bred in *Spain*, whereof there be two kinds, black and grey, and the black the more precious *Furr*, having black spots upon it hardly to be seen. *Poynes* is of fashion like the *Sable*, bred in *France* for the most part; the top of the *Furr* is black, and the Ground whitish. *Marterne* is a Beast very like the *Sable*, the Skin something courser, it liveth in all Countries that be not too cold, as *England*, *Ireland*, &c. the best be in *Ireland*. *Minus* is nothing but the Bellies of *Squirrels* as some say; as others, it is a little *Vermine*, like unto a *Weezle*, Milk-white, and brought from *Muscovy*. *Fitch* is that which we otherwise call the *Pole cat* here in *England*. *Shanke*, by the Skin of the *Shanke* or Leg of a kind of *Kid*, which beareth the *Furr* that we call *Budge*. *Calaber* is a little Beast, about the bigness of a *Squirrel*, of colour gray, and bred especially in *High Germany*.

Furra. A right or priviledge deriv'd from the King, as prime Lord to trie, condemn and execute Thiefs and Felons within such bounds or distinct of an Honor, Manor, &c. — *clamat habere liberam warrenam & furram in terris suis — quoad predictas furas dicit, quod Dominus H. Rex concessit ei Insangenthes & usjangenthes in omnibus terris suis.* *Cartular. Abbat. Glaston, Ms. f. 86. b.* yet I rather think, it ought to be

be read *Furca*, and means directly a Gallows.

Fustic, A kind of Wood used by Dyers, and brought from *Barbadoes*, *Jamaica*, &c. Spoken of in the Stat. 12 Car. 2. cap. 18.

Fynderinge. An Offence or Trespass, for which the Fine or Compensation was reserv'd to the King's Pleasure, in the Laws of H. 1. cap. 10. *Spelman* would read it *Fynderinga*, and interprets it *Treasure-trove*, but indeed the Word is truly *Fynderinga* or *Fyndering*, and signified properly a going out to War, or a Military Expedition at the King's Command, which upon refusal or neglect was punished with a *Fine-wite*, or Mulct at the King's Pleasure. See *Fine-wite*.

G.

Gabel, *Gabella*, *Gabellum*, In French *Gabelle*, that is, *Veſtigal*, hath the same signification among our old Writers that *Gabelle* hath in France: For Mr. *Caviden* in his *Brit.* pag. 213. speaking of *Wallingford*, hath these Words, *Continebat 276 Hagas, i. domus redditentes novem libras de Gablo.* And pag. 228. of Oxford these, *Hac urbs reddebat pro felonis & gablo, & aliis consuetudinibus, per annum Regi quidem viginti libras et sex sextarios mellis, comiti vero Algaro decem libras.* *Gabella*, as *Consuetudo* defines it, *De cons. Burgund.* pag. 119. *Est veſtigal quod solvitur pro bonis mobilibus, id est, pro iis que vehuntur, distinguishing it from tributum, quia tributum est proprium quod fisco vel Principi solvitur pro rebus immobilibus.* The Lord Coke, in his Comment upon *Littleton*, saith thus, lib. 2. cap. 12. fol. 213. Here note, for the better understanding of ancient Records, Statutes, Charters, &c. That *Gabel* or *Gavel*, *Gablum*, *Gabellum*, *Gabelletum*, *Gabelletum* and *Gavilletum*, do signifie a Rent, Custome, Duty or Service, yielded or done to the King, or any other Lord. But that *Gablum* did as well extend to Money as to other things in kind, is very plain by that Record in *Domesday-Book* in *Windsor* in *Berk-shire*, where 'tis said, *Rex Wilhelmus tenet Windsores, in Dominio Rex Edw. tenuit ibi xx. hides, &c. Et adhuc sunt in villa C. Hage V. minus; ex his sunt xxvi. quiete de Gablo & de aliis excent xxx. solid.* And lastly, In the same Book in *Somerset-shire*, it is thus expressed in the Title of *Terra Regis* (which observe) *Rex tenet cedre* (I suppose it is that *Chedder*, so famous for its Cheese) *Rex Edw. tenuit, nunquam Geldavit, nec scitur quos Hida sunt ibi, &c. in Dominio, &c. xx. Bord cum xvii. Car. & vii. Gablatores redd. xvii?* These seven *Gablatores* did pay seventeen Shillings, and from their paying of Rent were termed *Gablatores*; To me it seems probable, That this *Gablum* is to be distinguished from a Rent or Payment made upon Contract or Bargain, and have relation to such a one as was imposed by the Power and Will of the Lord. And these different sorts of Payment are passed in *Domesday-Book* under several Expressions, according to the nature of them; where sometimes it is written, That one *Reddit* to such a one so much, without any other addition; and this, I believe, was Rent upon Agreement and Contract: Another *Reddit de consuetudine* so much, and a third *Reddit de Gablo* so much.

Gabulum, *Gabulum*, *Gabulum*, *Gabulum*. The Head, or End, or extreme part of a House or Building. The *gable-head*, the *gable-end*, &c. — *Quandam particulam terra — extra gabulum molendini octo pedes in latitudine.* Paroch. Antiquit. pag. 201. — *Qua domus fira est inter gabulum tenementi mei, et gabulum tenementi Laurentii Kepeharm.* ibid. pag. 286. See Mr. *Kennett's Glossary*.

Gast, *Idgast*, Is a Saxon word, signifying the payment or rendering of Tribute or Custome. Also it sometimes denotes *Usury*.

Casol-land alias *Casul-land*, *Terra censualis*, *Land* liable to Tribute or Tax. The *Saxon Dictionary* calls it *rented Land*. See *Gavel*.

Gage, *Vadium*, Signifies a Pawn or Pledge, and is derived from the French *Gager*, that is, *pignori dare*. *Glanville*, lib. 10. cap. 6. saith, *Quandog; rei mobiles ponuntur in vadium, quandog; res immobiles*; and a little after that thus, *Invadiatur res quandog; ad terminum, quandog; sine termino*; Item *quandog; invadiatur res aliqua in mortuus vadio, quandog; non*. And from that Chapter to the end of the twelfth in the same Book, he handleth this one thing; though the word *Gage* be retained as it is a Substantive, yet as it is a Verb the use hath turned the G. into a W. so as it is often written *Wage*, as to *wage deliverance*, that is, to give security that a thing shall be deliver'd: For if he that is distrained, being sued, have not delivered the Cattel that were distrained, then he shall not only avow the Distress, but *gager* deliverance, that is, put in Sureties that he will deliver the Cattel distrained, *F. N. B. fol. 74. & 67.* yet in some cases he shall not be tyed to his Security, as if the Cattel dyed in the Pound, *Kitchin*, fol. 145. Or if he claim a propriety in the Cattel sued for, *Termes de la Ley*. To *wage Law*, see *Law*; and also see *Mortgage*.

Gager deliverance. See *Gage*.

Gapele. See *Gael*.

Gager del Ley, See *Wage and wager of Law*.

Gagers, See *Gangers*. This word is mentioned in 12 Car. 2. cap. 4.

Gagnage, *Wainagium* *Plauſtri apparatus*, Is near the French *Gagnage*, *lucrum*, and signifieth in our Law the profit most properly that comes by the Tillage of Land, held by the baser kind of Soke-men or Villains. *Bracton*, lib. 1. cap. 9. speaking of such, hath these words, *Et in hoc legem habet contra Dominos, &c. ut si eos defruant, quod saluum non possit eis esse Wainagium suum.* And again, lib. 3. tract. 2. cap. 1. *Adiles & liber homo non amerciabitur nisi secundum modum delicti, secundum quod delictum fuit magnum vel parvum & salvo contentamento suo: Mercator non nisi salvo Mercandis suis, & Villanus non nisi salvo wainagio suo.* This in *Westm.* 1. cap. 6. Anno 3 E. 1. is called *Gagnure*, and again, cap. 17. And in *Magna Charta*, cap. 14. it is called *Gainage*. In the *Old Not. Brev.* fol. 117. 'tis termed *Gainor*, in these words, The writ of *Aiel* was *præcipe*, &c. *quod reddat unam bovatum terra & unam bovatum marisci.* And the Writ was abated, for that the *Oxgange* is always of a thing that lyeth in *Gainor*. This word was used only concerning Arable Land, because they that had it in Occupation, had nothing of it, but the Profit and Fruit raised by their own pains towards their Sustenance, nor any other Title, but at the Lords Will. *Gainor*, again in the same Book, fol. 12. Is used for a Soke man, that hath such Land in his Occupation. In the 32. Chapter of the *Grand Customary* of *Normandy*, *Geigneurs* be *Agricole*, qui terras elemosinatas possident. And *Bracton* useth *Gainer* for to Plow or Till, fol. 42. & 65. *West. Symbol. part. 2. tit. Recoveries, sect. 3.* hath these words, *A Præcipe quod reddat lyeth not in Bovata marisci, 13 E. 3. fol. 3. not de felione terra, because of the uncertainty; for a felion, is a piece of Land sometime containing an Acre, sometimes half an Acre, sometimes more, sometimes less: It lyeth not of a Garden, Cottage or Croft, 14 Aff. 13 H. 6. 3. 22 Ed. 4. 13. de Virgata terra, &c.* For they be not in *Demesne*, but in *Gain*, &c. Lastly, In the Statute of Distresses in the Exchequer, Anno 15 H. 3. are these words, No Man

of Religion, or other, shall be distrained by his Beasts that gain the Land. See *Wainage*.

Gainagium, or **Wainagium** in the foregoing Account is indeed explain'd with too much obscurity, error and confusion. For *Gaynage* or *Waynage* was properly no more than all the Plough-rackle, or Implements of Husbandry, without any respect to gain or profit; And the equity of those Proviso's in *Magna Charta*, &c. lay in this meaning of the Word.

— The Knight and Free-holder should be amerced. *Salvo contentamento suo*, i. e. saving his Free-lands and Tenements, which were not to be touch'd by arbitrary Fine. The Merchant or Trader was to be amerced *salvo mercandisia sua*, i. e. saving his Goods and Stock, which were necessary to carry on his Trade. And so likewise the Villane, the Country Man, or Plough-Man should be fined or amerced for his Offences, but still *salvo gainagio suo*, i. e. saving all his Plough-geer, and necessary Implements of Husbandry, which if distrain'd or seiz'd for such Fines or Impositions would disable Him from carrying on his Employment of Agriculture: contrary to the Fundamental Liberty of Subjects, which was so to be mulcted, or fin'd, or amerced, as should punish them, but not break them, or undo them.

Gainery, Tillage or Agriculture, Or the Profit accruing thereby, &c. of the Beasts used therein.

Gainure, *Westm.* 1. cap. 6. & 17. Signifies the same with *gainery*.

Galace, *Galice*, Seemeth to come of the French *Galloches*, which signifieth a kind of Shooe worn by the Gauls in dirty weather; and at present the signification differs not much among us. The word is used *Anno* 4 E. 4. cap. 7. And 14 & 15 H. 8. cap. 9. where it is written plainly *Galoche*.

Galigal, Is a Medicinal Herb, the nature and diversity whereof is expressed in *Gerards Herbal*, lib. cap. 22. The root of this is mentioned for a Drugg to be garbled, 1 Jac. 19.

Gallichapens, Were a kind of Coyn which with *Suskins* and *Dockins* were forbidden by the Statute of 3 H. 5. 1. They were a *Genoa* Coin, brought in by the *Genese* Merchants, who trading hither in *Galley*, lived commonly in a Lane near *Tower street*, and were call'd *Galley-Men*, landing their Goods at a place in *Thames-street* call'd *Galley-Key*, and trading with their own small Silver Coin call'd *Galley half-pence*. See *Stowes Survey of London*, 137.

Galliches. See *Galuce*.

Galls, Be a kind of a hard and round Fruit like a Nut, growing upon the Tree, in Latine called *Galla*: The divers kinds and uses whereof *Gerard* expresseth in his *Herbal*. lib. 3. cap. 34. This is a Drug to be garbled, 1 Jac. 19.

Gambertia, *Gambria*. Fr. *Jambiere*. Military Boots, or Defence for the Leggs. — *Sed utrum habere possunt Gambrias, & galeas in capitis, neque lege neque consuetudine invenimus.* Nic. Upton de *Militari Officio*, l. 2. cap. 8.

Gara A Measure or small quantity of Ground. — *Et in prato iuxta Beresford sex acras & duas garas, & in prato de Atreford sex acras & duas garas, &c.* Mon. Angl. tom. 3. Par. 2. p. 29.

Gang-week. See *Regation-week*.

Gaol, *Gaola*, Cometh of the French *Gool*, i. *Carveola*, A Cage for Birds, but is metaphorically used for a Prison; thence cometh the Master of a Prison to be called *Gaoler*, or *Gayler*.

Garbe, Cometh of the French word *Garbe* alias *Gerbe*, i. *fascis*: It signifies with us a bundle or sheaf of Corn, *Charta de Porella*, cap. 7. And *Garbasagittarum* is a sheaf of Arrows, containing twenty four,

otherways called *Shuffa sagittarum*. *Skene de verbr. Signif. verb. Garba.*

Garbles, *Anno* 21 Jac. cap. 19. Signifies the Dust, Soyl, or Uncleaness that is severed from Spice, Drugs, &c.

Garbling of Homstaves, *Anno* 1 R. 3. cap. 11. Is the sorting or culling out the good from the bad. As *garbling* of Spice is nothing but to purify it from the dross and dust that is mixed with it. It may seem to proceed from the Italian *Garbo*, that is, fineness, neatness; thence probably we say, when we see a Man in neat habit, *He is in a handsome Garbe*.

Garbler of Spices, 21 Jac. cap. 9. Is an Officer of great Antiquity in the City of London, who may enter into any Shop, Ware-house, &c. to view and search Drugs, Spices, &c. and to *garble* the same, and make them clean.

Cartinae. The word possibly is so printed by mistake for *Sarcina*, however it so signifies, the Baggage of an Army. — *Cum certam nostri elegissent Stationem — cartagium quoque (quod Garcinas appellamus) a tergo locassent.* Walsingham in *Ric.* 11. p. 242.

Garco, *Garcio*. Any poor servile Lad, or Boy Servant. Fr. *Garcon*. But it seems of old Galic, or British original: For in the present *Irish* (if there be any truth in *Toland*) *Garfun* is an appellation for any menial Servant. See Mr. *Kennet's Glossary*.

Garderoba, In a private House by *Garderoba*, was meant a Closet, or an small apartment for hanging up of Cloath. — *Ricardus Abbas & conventus, S. Edmundi — concesserunt Johanne Frary totum messuagium — videl unam aulam cum duobus solariis adjunctis eidem aule cum duobus garderobis ad eadem solaria, — unam parvam cameram cum una, garderoba ad eandem. Cartular. S. Edmundi. M. S. f. 294.*

Garderobe. See *Warderobe*, and 2. *Inst.* fol. 255.

Gard, *Custodia*, Signifieth a custody or care of Defence, but hath divers significations, sometimes applyed to those that attend upon the safety of the Prince, called the *Life-guard*, or *Yeomen of the guard*; sometimes to such as have the Education of Children under Age, or of an Ideot, sometimes to a Writ touching Wardship: Which Writs are of three sorts, one called a *Writ of Gard or Ward*, in French *Droit degard*, F. N. B. fol. 139. The second is *Ejectment de garde*, Idem. fol. eod. The third is *Ravishment de gard*, Idem. fol. 140. See *Gardynes*. See *Ward*.

Cardeyne or *Cardian*, *Custos*, Cometh of the French *Gardien*, and yet the German word *Warden* is nearer to it. It signifies generally him that hath the change or custody of any Person or thing; but more notoriously him that hath the Education or Protection of such People, as are not of sufficient Discretion to guide themselves and their own Affairs, as Children and Ideots, being indeed as largely extended as Tutor and Curator among the *Civilians*; for whereas Tutor is he that hath the government of a Youth, until he come to fourteen years of Age, And Curator he that hath the disposition and ordering of his Estate afterwards, until he attain to the Age of five and twenty Years; or that hath the charge of a frantick Person during his Lunacy, we use only *Gardian* for both these: And for the better understanding of the Law in this point, we are to observe, That a Tutor is either *Testamentarius*, or a *Praetor datus ex lege Atilia*; or lastly, *Legitimus*. So we have three sorts of *Gardians* in England, one ordained by the Father in his last Will, another appointed by the Judge, the third cast upon the Minor by the Law and Custome of the Land: Touching the first, A Man having Goods or Chattels, may appoint a *Gardian* to the Body or Person of his Child, by his last Will and Testament, until he come to the

Age of fourteen Years, and so the disposing and ordering his Estate so long as he thinks meet, which is commonly to one and twenty years of Age. The same he may do of Lands not holden in *Capite*, or by Knights-service: But the ancient Law in this case is very much altered by the Statute of 13 Car. 2. cap. 24. which, in all cases, gives the Father power to appoint a *Gardian* for his Child; But if the Father order no *Gardian* to his Child, the Ordinary may appoint one to manage his Goods and Chattels, till the Age of fourteen Years, at which time he may choose him another *Gardian*, accordingly as by the Civil Law he may his *Curator*; for we all hold one Rule with the *Civilians* in this case, and that is *Inuito Curator non datur*. And for his Lands the next on Kin on that side, by which the Land cometh not, shall be *Gardian*, and was heretofore called *Gardian in Seage*. See more of the old Law in this Case, 28 E. 1. Stat. 1. And *Fortescue de laudibus legum*, Ang. cap. 44. *Stamf. Prærog.* cap. 1. *Old Nat. Breu.* fol. 94. And *Skene de verbor. Signif. verbo Varda*, from whom you may learn great affinity, and yet some difference between the Law of Scotland and Ours in this Point.

Guardia, Is a word used among the *Feudists* for the Latine *Custodia*, & *Guardianus seu guardio, dicitur ille ille, cui custodia commissæ est*, *Lib. Feudor. 1. tit. 2. & 11.*

Guardyne or Guardian of the Spiritualties, *Custus Spiritualium vel Spiritualitatis*, Is he to whom the *Spiritual Jurisdiction* of any Diocese is committed, during the vacancy of the See 25 H. 8. 21. And the *Guardian of the Spiritualties* may either be *Guardian* in Law, or *Jure Magistratus*, as the Archbishop is of any Diocese within his Province; or *Guardian* by delegation, as he to whom the Archbishop or Vicar-General doth for the time depute, 13 Eliz. cap. 12.

Guardyne or Gardian of the Peace, *Custor pacis*. See *Conservator of the Peace*.

Gardeyne or Gardian, or rather Warden of the Cinque Ports, *Gardianus quinq; portuum*, Is a principle Magistrate that hath the Jurisdiction of those Havens in the East-part of England, which are commonly called *The Cinque Ports*, that is, the five Ports or Havens, who there hath all that Jurisdiction that the Lord High Admiral of England hath in places not exempt. And the reason why one Magistrate was assigned to so few Havens, was, because they, in respect of their situation anciently, required a more vigilant care than other Havens, being nearer, and more obvious to Enemies, by the narrowness of the Sea in those parts. *Cambden* in his *Brit.* pag. 238. saith, That the Romans, after they had settled themselves and their Empire here in England, appointed a Magistrate or Governor over those Eastern parts, whom they called *Comitem litoris Saxonici per Britanniam*, having another that did bear the same Title on the opposite part of the Sea, whose Office was to fortify and furnish the Sea-Coasts with Munition against the Incursions and Robberies of the Barbarians; and farther signifieth his Opinion, That our Warden of the Cinque Ports was first erected among us, in imitation of that Roman Policy. See *Cinque Ports*.

Gardeyne de L'escumery, Anno 17 Car. 1. cap. 15. Warden of the *Strammerie*.

Gardeyne del Escliff, In English Church wardens, Who are Officers chosen in every Parish, to have the care and custody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other things they may do for the benefit of the Church. And by 43 Eliz. cap. 2. They are to joyn with the Overseers for the making of Rates, and other Provision for the Poor of the Parish.

Gare, Anno 31 E. 3. cap. 8. Is a course Wooll full of Hairs, such as groweth about the Pezzle or shanks of Sheep.

Gariofilli, But more truly *Garyophylli*, Is that sort of Spice we call Cloves. There is a reservation in a Charter of *Hugh de Wygton*, of the Priory of *Leominster*, Anno 1283. in these words, *Salva hereditibus meis post decessum meum uno clavo Gariofil. in præd. festo sancti Mich. pro omni servitio seculari.*

Garlanda. A Chaplet, a Corner, a Garland. — *Coronula aurea, quæ vulgariter Garlanda dicitur, redimimus*. Mat. Par. an. 1247.

Garnestura Garniture, Furniture, Provision, Ammunition, and other Implements of War. — *Significavit Soldanus Regi Francorum, ut sedatis omnibus civitatibus Dominiæ cum suis tentamentis, quæ garnesturas vulgares appellant, consilium resignaret*. Mat. Par. sub anno 1250.

Garnimentum. Garnish, Trimming, or any way adorning Cloaths, or wearing Apparel. — *Et cœlibet eorum per annum tres ubnas tela* — et unum Garnimentum laneum quolibet anno. Mon. Angl. tom. 2. pag. 321.

Garnish, As to garnish the Heir, that is, to warn the Heir, 27 Eliz. cap. 3.

Garnishee, Is taken for the Party in whose hands Money is attached, within the Liberties of the City of London, so used in the Sheriff of London's Court, because he has had garnishment or warning not to pay the Money, but to appear and answer to the Plaintiff-Creditors Suis.

Garnishment, Cometh of the French *Garnir*, i. *instruere*, and in a legal sense intends a warning given to one for his Appearance, for the better furnishing of the Cause and Court. For example, One is sued for the Detinue of certain Evidences and Charters, and saith, That the Evidences were delivered to him not only by the Plaintiff, but another also, and therefore prayeth, that that other may be warned to plead with the Plaintiff, whether the said Conditions be performed, yea or no; And in this Petition he is said to pray *Garnishment*, *New Book of Entries*, fol. 251. col. 3. and *Tatnes de la Ley*, *Crempe. Jur.* fol. 211. Which may be interpreted either warning of that other, or else furnishing of the Court with Parties sufficient thoroughly to determine the Cause, because until he appear and joyn, the Defendant is, as it were, out of the Court, *F. N. B.* fol. 106. and the Court is not provided of all Parties to the Action. With this agrees *Britton*, cap. 28. where he saith, That Contracts, some be naked and *sans garnement*, and some furnished, or (to use the liberal signification of the word) apparelled; but a naked Contract, *Nudum Pactum*, giveth no Action. And therefore it is necessary or needful, that every Obligation be apparelled, which ought to be with these five sorts of *Garnements*, &c. Howbeit it is generally used for a warning in many places, particularly in *Kitchin*, fol. 6. *Garnisher le Court*, is to warn the Court; and reasonable garnishment in the same place intends reasonable warning, and again, fol. 283. and many other Authors. And in the Stat. 27. Eliz. cap. 3. upon a *Garnishment*, or two *Nichills* returned, &c. But this may well be thought a Metonymy of the effect, because by the warning of Parties, the Court is furnished and adorned.

Garranty. See *Warranty*.

Garrenna. A Warren. *Johannes Episcopus Elgen*, &c. *Noveritis nos concessisse dilecto Servitori nostro Thoma de Fardham — officium custodia garrenne nostre de Brandon in com. Suff.* — *Preut alii custodes garrenne vestre*, &c. dat. 12. Sept. 1421. *Cartular. Eccl. Elgen. M.S. penes Joh. Episc. Norwic. M.S. f. 50.*

Garsumme, A Fine or Amerciament. See *Doomsday*. 'Tis written in *Spelman Gloss. Gersuma*.

Garter, *Garterium*, In French *Jarrier*, i. *Periscelis*; signifies with us both in divers Statutes and otherwise, one especial Garter, being the honourable Ensign of a great and noble Society of Knights, called *Knights of the Garter*, and this is *not* *Excolub*, as being of all others the most excellent. This high Order, as appeareth by Mr. *Camden* 211. and many others, was first instituted by the famous King *Edward the Third*, upon good success in a Skirmish, wherein the Kings *Garter* (as it is said) was used for a Token: 'Tis true, *Polydore Virg.* gives it a more slight Original, but his Grounds, by his own Confession, grew from the Vulgar Opinion, however take it as it is. *Edward the Third*, King of *England* (says he) after he had obtained many great Victories, the Kings of *France* and *Scotland* being both Prisoners in the Tower of *London* at one time: King *Henry of Castile*, the Bastard expelled, and *Don Pedro* restored by the Prince of *Wales*, did, upon no weighty occasion, first erect this Order, 1350. viz. He dancing with the Queen, and other Ladies of the Court, took up a Garter that happened to fall from one of them, whereat some of the Lords smiling, the King said, That ere it were long he would make that Garter to be of high Reputation, and shortly after instituted this Order of the *Blue-Garter*, which every Companion of the Order is bound daily to wear, being richly deckt with Gold and precious Stones, and having these words fixt on it, **HONI SOIT QUI MAL Y PENSE**, which is commonly thus interpreted, *Evil to him that evil thinketh*, or rather thus, *To him be it that evil thinketh*. *Ferne* in his *Glory of Generosity*, fol. 120. agrees with *Camden*, and more particularly sets down the Victories by which this Order was occasioned. We will not (it being none of our Work) insist upon the cause of its beginning; [but leave you for the search thereof to an Ingenious and most Laborious piece of Work concerning this matter, given to the World by *Elias Ashmole* Esquire,] but how or whatever the beginning was, the Order is inferior to none in the World, consisting of 26 Martial and Heroical Nobles, whereof the King of *England* is the Sovereign, and the rest be either Nobles of the Realm, or Princes of other Countries, Friends and Allies of this Kingdom: The Honors being such, as Emperors and Kings of other Nations have desired, and thankfully accepted. He that will read more, let him converse with Mr. *Camden*, *Polidore*, *Ferne*, and the foresaid Mr. *Ashmole*'s Books. The Ceremonies of the Chapter proceeding to Election, of the Investiture and Robes, Installation, and now with all other Observations. See Mr. *Segar*'s *Honor, Military and Civil*, lib. 2. cap. 9. fol. 65. and the same Mr. *Ashmole*. *Garter* also signifieth the Principal King of Arms among our English Heralds, created by King *Henry the Fifth*, *Stow*, pag. 584. and mentioned 14 *Car.* 2. cap. 33. See *Herald*.

Garth, Signifies a little Backside or Close in the North of *England*, Also a Dam or Wear in a River, for the catching of Fish, vulgarly call'd a *Fishgarth*. It seems to be an ancient British word, for *Gardd* in that Language signifies *Garden*.

Garthman, 13 *R.* 2. *Stat.* 1. cap. 19. & 17. *R.* 2. cap. 9. It is Ordained, That no Fisher or *Garthman* shall use any Nets or Engines to destroy the Fry of Fish, &c. whereby it seems to intend one that owns an open Wear where Fish are caught: We may haply derive it from the Scotch word *Gare*, that signifies compelled or enforced, because the Fish are forced by the Wear to pass in at a Loop, where they are caught.

Gavel, Signifies Tribute, Toll, Custome, yearly Rent, Payment or Revenue; Of which we had of old several kinds, *Gavel-Corn*, *Gavel-Malt*, *Oat-gavel*, *Gavel-Fodder*, as you may read in Mr. *Fab. Philips* Book, *Titled The Mistaken Repence*, fol. 39. 40. And *Taylor's History of Gavel-kind*, pag. 26, 27. & 102.

Gavellet, Is a special and ancient kind of *Cessavit* used in *Kent*, where the Custome of *Gavel-kind* continueth, whereby the Tenant shall forfeit his Lands and Tenements to the Lord, of whom he holdeth, if he withdraw from him his due Rent and Services, which is done after this manner. If any Tenant in *Gavel-kind* withhold his Rents and Services, let the Lord, seek by the Award of his Court from three Weeks to three Weeks, to find some Distress upon the Tenement until the fourth Court, always with Witnesses, and if within that time he can find no Distress on that Tenement, whereby he may have Justice of his Tenant, then at the fourth Court let it be awarded, that he take that Tenement into his Hand in name of a Distress, as if it were an Oxe or a Cow, and let him keep it a year and a day in his Hand without manuring: In which time, if the Tenant come and pay his Arrearages, and make him reasonable amends, let him re-enjoy it; but if he come not in that time, then let the Lord go to the next County-Court, with his Witnesses of his own Court, and pronounce there his Process; and by the Award of his Court (after the County-Court holden) he shall enter, and manure those Lands and Tenements as his own; and if the Tenant come afterwards, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord according as it is anciently said.

Nighefith yeild, and Nighefith geld

Let him nine times pay, and nine times repay.

Hath he not since any thing given? nor hath he not any thing since paid? let him pay v. lib. for his Error, before he become Tenant or Holder again. See hereof 10 *H.* 3. *Fitz. cessavit* 60. and the Statute of *Gavellet*, where it appeareth to be a Writ used in the *Hastings* at *London*. And *Fleta* says, It is used in other Liberties, lib. cap. 55. In the *Collection of Statutes*, *London* 2. Is matter much tending to this purpose, That by this word *Gavellet*, the Lord shall have the Land for the ceasing of the Tenant. Mr. *S.* in his 31. page, *Of the History of Gavel-kind*, hath these words, *Et postea per quandam consuetudinem qua vocatur Gavelate, usitatum in comitatu isto (viz. Kinc.) de terris & tenementis de Gavel-kind, pro redditibus & servitiis qua retro fuerint de eisdem, per plures annos, devenerunt eadem terra in manus cujusdam Abbatis, &c.* Now this *Consuetudo de Gavelate* (as he further adds) was not a Rent or Service, but tokeneth a Rent or Service withheld, denied, or detained, causing the forfeiture of the Tenement to the Lord, with which agree the Lord *Coke*, where he says, *Gavelletum*, is as much as to say, to cease, or to let to pay the Rent; *Breve de Gavellet in London*, est, *brevé de Cessavit in Biemiun, &c.* pro redditu ibidem quia tenementa fuerunt indistingibilia. So that this Writ lay in *London* as well as *Kent*.

Gaveling-Men. Tenants who paid a reserv'd Rent, besides some customary Duties to be done by them. — *Merkbury reddit in gablo sex libras, in dona xx. sol.* — *Gaveling-men, sunt ibi xii. quorum quilibet debet mœllare qualibet septimana dimidiam aram, — et præditi Gaveling-men debent cotidie operari inter vincula S. Petri & Festum S. Michaelis, &c.* *Cartular. Abbat. Glaston, M. S. f. 38. b.*

Gavel-kind, Is by Mr. *Lambert* in his *Exposition of Saxon words, verbo Terra & scripto*, compounded of three

three Saxon words, *Gyfe, Eal, Cyn*; *Omnibus cognatione proximis data*. But *Verstegan* in his *Restitution of decayed Intelligence*, cap. 3. Calls it *Gavel-kind*, quasi, give all kind, that is, give to each Child his part. But *Taylor* in his *History of Gavel-kind*, would derive it from the Britifh *Gafael*, a Hold or Tenure, and *Cennec* or *Cennedh*, *Generatio aut familia*, and so *Gavel-cennedh* might signifie *Tenura generationis*, pag. 92. & 132. But whatever is the true Etymology, it signifies in Law a Custome. whereby the Land of the Father is equally divided at his death among all his Sons, or the Land of the Brother equally divided at his death among all his Brethren, if he have no Issue of his own, *Kitchin*, fol. 107.

*Tententis praeis patriis succedit in agros,
Mascula stirps omnis ne foret ulla potens.*

This Custome is still in force in divers places of England, but especially in *Kent*; *Urchensfield*, in *Herefordshire*, and elsewhere, though with some difference; but by the Statute of 35 H. 8. cap. 26. All *Gavel-kind* Land in *Wales* are made descendible to the Heirs, according to the Course of the Common Law. *Cambden* in his *Britannia*, pag. 239. saith in exprefs words, *Cantiani ea lege Gulielmo Normanno se dederunt, ut patriis consuetudines illas retinerent, illamque imprimis quam Gavel-kind nominant*. Ha terra quae eo nomine censetur, liberis masculis ex aequis portionibus dividuntur, vel feminis si masculi non fuerint, adding withall worth the noting, viz. *Hanc hereditatem cum quintadecimum annum attigerint, adeunt, & sine Domini consensu, exilibet vel dando vel vendendo, alienare licet*. Hæc filii parentibus furti damnatis in id genus fundi, &c. It appears by 18 H. 6. cap. 3. that in those days there were not above thirty or forty persons in *Kent* that held by any other Tenure, but it was altered afterwards in much Land in that County, upon the Petition of several Gentlemen there, by a Statute made 31 H. 8. cap. 3. See *Lambert's Perambulation of Kent*, *Somner's Discourse* on this Subject, [*Taylor's History of Gavel-kind*]. Vide etiam *Termes de Ley*, and *Gavelers*. In *Mon. Ang.* 2. par. fol. 640. you may read thus, — *Dei totam terram, quam vendidit mihi Michael de Turnham sicut suum liberum Gavelkind & Stokind ad fundandum ibi Domum Religionis, &c.* — In *Gavel-kind*, though the Father be hanged, the Son shall inherit; for their Custome is, The Father to the Bough, the Son to the Plough, Doctor and Student, cap. 10. Co. on *Litt. lib. 2. cap. 10. sect. 165.* and Co. 9. *Rep. Shelleys Case*.

Gavelbred. Corn.—Rent, or Provision of Bread, reserv'd from the Tenant to be paid in kind. *Allacantur per annum pro gavelbred ad herdemet tres summa & dimid.* — *In pane ad gavelbred, de consuetudine arantium & metentium duas summas.* — *Somner of Gavel-kind*, p. 25.

Gabelgilda, Gabelgida. That yields Rent, or annual Profit. — *Si autem in gabelgida id est, in gablum reddenda domo pugna fiat, vel in gebures, 30 sol. culpa judicetur.* *Leges Inæ Regis West-Saxon, cap. 6.* — *Idem Radulfus tenet unum toftum — et non dat Gavelgeld.* *Mon. Ang. tom. 3. p. 155.*

Gabelherie, Gabelerth. The Duty or work of ploughing so much Earth, or Ground, done by the customary Tenant for his Lord. — *Item respondet de 35. acris de consuetudine arandi, Gavel-herie.* — *Item sunt ibi quinque jugera, quolibet arabit unam dimidiam acram ad semen frumenti, & seminabit, & herciabit, — & vocatur istud opus Gavelerth.* *Somner of Gavel-kind*, p. 17.

Gabelmed. The Duty or Work of mowing of Grass, or cutting Meadow-Land, requir'd by the Lord from his customary Tenant. — *Consuetudo facienda quæ vocatur Gavelmed.* — *Somner of Gavel-kind.* Append. — *Et pro una septimana dum faciatur stipula quæ vocatur Gavelmed, ib.*

Gavellores. Javelins, Darts. — *Frisoni igitur — ipsum Willelmum cum jaculo, quæ vulgariter Gavellores appellant, quorum maxime notitiam habent & usum — hostiliter in sequuntur.* *Mat. Par. sub anno 1256.*

Gavelreap. Bedreap, or duty of reaping at the Bidor command of the Lord. — *De consuetudine metendi 40 acras & dimidiam de Gavelreap in Autumno 40. sol. 6. denar.* *Somner of Gavel-kind*, p. 19. 21.

Gagnarium. Wainage, Plough-tackle, or Implements of Husbandry: The same with *Gainagium* and *Wainagium*. — *Ita quod nihil ex nunc remanet in manu dicti Prioris in sustentationem sui, nisi tantum gaymaria (lege gaynaria) manerij predicti cum proficui preno minatur.* *Mon. Angl. tom. 1. p. 603.*

Gavelfester, Sextarius Velligalis. Is a certain Measure of Rent-Ale; Among the Articles to be charged on the Stewards and Bayliffs of the Church of *Canterburie* Mannors, this of old was one, *De Gavelfester* cujuslibet bracini braciati infra libertatem Maneriorum, viz. unam Lagenam & dimidiam Cerveisie. We may find it else-where under the name, of *Tolcester* thus, *De Tolcester cervisie*, hoc est de quolibet bracino per unum annum lagenam de cervisie, and is without dispute the same. In lieu of which the Abbot of *Abington*, of Custome, received that Peny, mentioned by *Selden* in his *Dissertation* annexed to *Fleta*, cap. 8. num. 3. and there (I believe) misprinted *Colcester-peny* for *Tolcester-peny*.

Gaugetum. A Gauge or Gauging, done by the *Gaugeator* or *Gager*. *Libera clausa 55 H. 3. de Dollorum mensura & gaugetto Mercatorum Burdegal, & de gaugeatoris feodo & denarium pro dolis, scil. obolum ab emptore, & obolum a venditore.*

Gawgeor or **Gager, Gaugeator,** Comes of the French *Gawchir*, i. in gyrum torquere; and signifies with us an Officer of the Kings, appointed to examine all Tuns, Pipes, Hogheads, Barrels, and Tertias of Wine, Beer, Ale, Oyl, Honey, Butter, and give them a Mark of Allowance, before they be sold in any place. And because this Mark is a Circle, made with an Iron Instrument for that purpose: It seems that from thence he taketh his Name. Of this Office you may find many Statutes, the first whereof is 27 E. 3. commonly called the Statute of *Provision* or *Purveyors*, cap. 8. The others are 4 R. 2. cap. 1. 18 H. 6. 17. 23 H. 6. 16. 1 R. 3. 13. 28 H. 8. 14. And lastly, 12 Car. 2. cap. 4.

Gauge-peny, May be thought to be the *Gawgers Fee*, by *Anno 23 H. 6. cap. 16.*

Geburfrisp, Geburfsipa. Neighbour-hood, or adjoining district. — *vel iurjurandum invenit, si possit, in quo repetenti satisfiat; si non possit, nominentur ei sex homines de eadem geburfsipa, in qua illa residens est.* *Leges Edw. Confes. cap. 1. de Perjuriis, p. 2.*

Geburus. A country Neighbour, an Inhabitant of the same geburfsipa, or Village. *Sax. Gebure, a Carl, Plough-man, or Farmer.*

Geld, Geldum. Among the Saxons signified pecunia vel tributum, also the compensation for a Crime: Hence, in our ancient Laws *Wergild* was used for the value of a Man slain, and *Orfgeld* of a Beast. *Et sint quieti de Geldis, & Dangelgild, & Hornsgeldis, & Forgeldis, & de Blodwita, & Fitwita, & Flitwita, & Leirwita & Heinwita, & Fremensfuda, & Werd-peny, & Awer-peny, & Teling-peny,* *Charta Rich. 2. Priorat.*

de Hertlande in Devon, Pat. 5 E. 4. part 3. m. 13. See Gild.

Geldable. See Gildable.

Gemot. Is a Saxon word signifying *Conventus*, an Assembly: 'Tis used in the Laws of Edward the Confessor, cap. 35. for a Court, viz. *Omnis homo pacem habeat cum de gemotum & rediens de gemoto, nisi probatus fur fuerit.* See Note.

Genetum. — *Percipiant decimas agnorum, lana, — lini, canapi, geneti, corporum piscationum, pastura.* — *Carta Joh. Archiepiscopi Cant. apud Will. Thorn. p. 2112.* Mr. Somner takes it for *genista*, broom.

General Issue. See Issue.

Geneath, Villanus, as *Regis Geneath* is the Kings Villain, *Leg. Ine. M.S. cap. 19.*

Generario. When a Mother-Abby or old Religious House had spread it self into several Colonies or depending Cells, that Issue or Off spring as it were of the Mother Monastery was called *Generatio*, quasi proles & soboles Matricis Domus. *Questio prioratus inter Abbatem de Waverle & Abbatem Furnessii terminatur hoc modo, videlicet quod Abbas de Furnessio habeat prioratum in tota generatione elemosynæ in Angliā, & in generatione Saviniaci in Angliā tantum. Abbas autem Waverle habeat prioratum ubiq; tam in congregationibus Abbatum quæ fuerint per Angliam, quam alias per ordinem universum.* *Annal. Waverl. 1232.*

Generale. The single Commons, or ordinary Provision of the Religious were called *Generale*, as their general Allowance, distinguish'd from their *Pittantie* or *Pittances*, which upon extraordinary occasions were added as *Over-Commons*. Among the Observances of the *Cluniac* Monks, they are thus described, — *Generale appellamus quod singulis in singulis datur scutellis: Pittantia quod in uno scutella duobus.* And among the Customs of the Abby of *Glastenbury*, we have this Account. — *In privatis diebus videlicet dominica die, die Martis, die Jovis, & Sabbato, tria generalia ad refectorem habuerant Fratres, & duas pittantias, ceteris vero diebus scilicet feria secunda, feria quarta, & sexta duo generalia et tres pittantias.* *Char. tular. Glaston. M.S. f. 10.*

Generosa. Seems of late to be a good Addition; for if a Gentlewoman be named *Spinster* in any Original Writ, Appeal or Indictment, she may abate, and quash the same, 2. *Inst. fol. 668.*

Geners alias Generis. See Furze.

Gentleman, Generosus, Is an irregular compound of two Languages, the one from the French *Gentil*, that is, *Honestus*, vel *honesto loco natus*; the other from the Saxon *Man*, as if you would say, a man well born. The Italian followeth the very word, calling those *Gentil huomini*, whom we call *Gentlemen*. The Spaniard keepeth the meaning, calling him *Hidalgo* or *Hijo d' algo*, that is, the Son of some Man, or of a Man of Reckoning: The French also call him *Gentil homme*. So that *Gentlemen* be those, whom their Blood and Race doth make noble and known: In Greek they are *Eupyristes*, in Latine *Nobiles*, *Smith de Rep. Ang. lib. 1. cap. 20.* Under this Name are comprised all above Yeomen, so that Noble-men be truly called *Gentlemen*; but by the Course and Custom of England, Nobility is either Major or Minor; the greater contains all the degrees from Knights upward, the lesser, all from Barons downward, *Smith ubi supra, cap. 21.* The Reason of the Name may grow from this, that they observe *gentilitatem suam*, that is, the Race and Propagation of their Blood, by giving of Arms, which the common sort neither doth, nor may do; for by the Coat that a Gentleman giveth, he is known to be, or not to be descended from those of his Name, that lived

many hundred years since, *Gentiles homines.* See in *Tirraquel de Nobilitate*, cap. 2. pag. 53. Cicero in his *Topicks* of this matter, speaks thus, *Gentiles sunt qui inter se eodem sunt nomine ab ingenuis oriundi, quorum majorum nemo se servitutem servavit, qui capite non sunt diminuti.* And in the first Book of his *Tuscul. Quest.* he calleth *Tullus Hostilius*, one of the Kings of Rome, *Gentilem suum*. These words, *gentilis homo*, for a Gentleman, was adjudged a good addition, *Hill. 27 E. 3.* The addition of Knight is ancient, but of Esquire or Gentleman rare before the First of Hen. 5. cap. 5. See 2. *par. Inst. fol. 595. & 667.*

George Noble. A piece of Gold currant at six Shillings eight Pence in 1 Hen. 8. when by Indenture of the Mint one pound weight of Gold was to be coined into eighty one George Nobles, *vid. Lowndes Essay upon Coins, pag. 41.*

Gersumā, Sumpens, In ancient Charters it is used for a Fine or In-come; as *dare in Gersumam.* And *Gersumam capere, de nativa nostra impregnata sine licentia nostra quod dicitur Childwit.* *Mat. Paris* writes it *Gersoma*, and in Scotland they say *Gressume*, and in *Doomsday* we find it *Garsumme.* *Vide antea Garsumme, and Spelm. Gloss.*

Gersumarius. Finable, or liable to be mulct, fined, or amerced at discretion of the Lord. — *In Berton parva — sunt tres Cotseles quorum quilibet operabatur semel in ebdomada & metet in Autumno unam acram de blado hiemali vel tres rodas orde. Dominus habebit tres bederepes si voluerit ad cibum suum. Omnes sunt Gersumanni ad voluntatem Domini.* *Cartular. S. Edm. M.S. f. 103.*

Gestu a fama, Is a Writ, but grown out of use, *Lamb. Eiten. lib. 4. cap. 14. pag. 531.*

Gest. From French *Gist.* A Lodging, or Stage of Rest in a Journey or Progress. As in the Progress of Edw. 6. A. D. 1552. when the Gest (i. e. the Stages of his Majesty's Progress) were alread, Arch-Bishop *Cranmer* entreated *Cecil* to send him the new resolved upon Gest, that he might from time to time know where his Majesty was. *Strype Memor. Arch-Bishop Cranmer, p. 283.*

Gesta, Gestum, Gest, Yeast, Balm, or working of Beer, or Ale. — *Ita quod Pissore poterunt sic vendere, & in quolibet quartario lucrari tres denarios, exceptis brennis & duobus panibus ad furnarium — & in sale obolum. & in gesta obolum, & in candela quad rante.* *Mat. Par. sub. anno 1202.*

Gethbrech. But more truly *Grithbrech*, Si pacem quis frigerit ante mediocres Foresta, quod dicunt Gethbrech, emendet Regi decem solidos, Constitut. *Cavuti de Foresta, cap. 18.* See *Grithbrech.*

Giggmills, Were for the fulling of woollen Cloth, and forbidden, 5 E. 6. cap. 22. They were a kind of Fulling-Mills.

Gild alias Geld, 18 Car. 2. cap. 1. It is used as a Verb, and as a Substantive also; and as it is a Substantive; it is latined *gilda*, and signifies a Tribute, or sometimes an Amerciament, or thirdly, a Fraternity or Company combined together, with Orders and Laws made among themselves, by the Princes Licence. *Cambden* citeth many Antiquities, by which it appears to signify a Tribute or Tax, as pag. 135. 139. 159. 168. 178. *Crompton* in his *Jurisdictions*, fol. 191. sheweth it to be an Amerciament, as *Footgeld.* And fol. 197. he interpreteth it to be a Prestation within the Forest, in these words, To bequit of all manner of gelds, is to be discharged of all manner of Prestations, to be made for gathering of sheaves of Corn, of Lamb and of Wooll, to the use of the Foresters. *Cambden*, pag. 349. dividing *Sussex* into three parts, calleth the first *Geldable*, because Tribute is thence gathered;

the second *Libertatem S. Ethelredi*, and the Statute of 27 E. 3. Stat. 2. cap. 13. and 11 H. 7. cap. 9. use *gildable* in the same sense, and so doth the Stat. 27 H. 8. cap. 26. From hence *Lambard* is perswaded (*ubi supra*) that the common word *Gild* or *Gild-hall* doth proceed: And in *Reg. Orig. fol. 219.* we may read *gildam mercatoriam*, that is the Merchant-gild, which was Liberty or Privilege granted to Merchants, whereby they are enabled to hold certain Pleas of Land within their own Precincts. This word *Gilder* or *Guilds* is so used, 37 E. 3. 51. and 15 R. 2. cap. 5. And *Gildhalla Teutonicorum* is used for the Fraternity of *Easterling* Merchants in London, called the *Stilyard*, 22 H. 8. See *Co. lib. 8. fol. 125.* This word is also mentioned 15 H. 6. 6. and 15 Car. 2. cap. 7.

Gildale, A Computation, where every one paid his share. See *Sotbale*.

Gildable or **Geldable**, That is, lyable to pay Tax or Tribute; and therefore *Cambden* calls one part of *Suffolk Geldable*. It is mentioned 27 Hen. 8. cap. 26. It is also expounded in an Old M. S. to be that Land or Lordship which is sub *distinctione curie Vicecom.* 2. par. Inst. fol. 701. *Jur. dicunt, quod Prior de Sempringham, tenet tres Carucatas terre in S. et non sunt geldabiles*, Ex Rot. Hundr. in Turr. Lond. de Anno 3 E. 1. Linc. See *Gild*.

Gild-hall, The chief Hall of the City of London, *Gildarum nomine continentur non solum minores Fraternitates et sodalities sed ipsa etiam Civitatum communitates*, says the learned *Spelman*. See *Gild*.

Gildhalla Teutonicorum, The *Stilyard*. See before *Gild*.

Gild-merchant, *Gilda Mercatoria*. See *Gilde*.

Gildwite. See *Gyltwite*.

Ginger, *Zinziber*, Is a Spice well known, being the Root of a Plant, that groweth in hot Countries, as Spain, Barbary, &c. The true form whereof you have expressed in *Gerardi Herbal*, lib. 1. cap. 38. This is a Spice whose Root is to be garbled, 1 Jac. 19.

Gynp Wepper, *Piper de Guinnea*, Is otherwise called *Indian Pepper*, of the place whence it cometh; the Nature, and farther Description whereof you have in *Gerardi Herbal*, lib. 2. cap. 66. This is mentioned among Drugs and Spices to be garbled, by 1 Jac. 19.

Gisarnes, but more truly *Guisarnes*, 13 E. 1. Stat. 3. cap. 6. Is according to *Skene de verb. Signif. verbo Gysarnum*, a kind of Hand-Axe, *Fleta*, lib. 1. cap. 24. sect. Item *quod quilibet*, writes it *Sisarnes*. *Spelman* says, *Est armorum genus longo manubrio & porrecto cuspidis*.

Glawnto ore. See *Plowden*, fol. 320. The Case of *Mines*.

Glanvil, Was a learned Lawyer, and chief Justice in Henry the Seconds days, who writ a Book Of the Common Laws of England, which is the ancientest of any extant, touching that Subject, *Stamf. præ. cap. 1. fol. 5.* He was then called in Latine *Ranulphus de Glanvilla*. He died in Richard the Firsts days, at the Siege of *Acre*, in the Coast of Palestine, being with him in his Voyage to the Holy Land, *Plowden*, fol. 368. *Stowels Case*.

Glavea, A Glaive, or Gleave, a Javelin, a Hand dart. — *Quod cum vidisset quissiam de castella & adversarium agnovisset, telo gracili, quod Glavea (legendum est Glavea) dicitur eum jam comminus positum petisse, quo testam capitis ipsius male nudati perforavit.* *Gervas Dorobern. sub anno 1144.*

Glen, Signifies a Valley. See *Doomsday-Book*.

Gleba, *Glebam ferre*. Anno 1335 *Custos & Magister domus beate Marie Magdalene extra portam australem civitatis Exoniensis tulerunt glebam pro redditu exeunte de quodam gardino extra portam orientalem*

civitatis predictæ vocato Morley Shulleshay, & hæc consuetudo vocatur Gleba. *Izackes Antiquities of Exeter*, p. 48. For it seems the ancient custom of that City was, when the chief Lord in Fee could not be answerd of the Rent due to him out of his Tenement, and no distress could be there levied for the same; then the Lord came to the Tenement, and there took a Turf or Stone, and brought the same to the Court seven Days successively: and this was call'd *Gleba*, ib. p. 50.

Gleabland, *Gleba*, Church-land, *Dos ad Ecclesiam pertinet*, *Chart. Elredi Regis Magnæ Brit. Monast. de Croiland, apud Ingulphum.* *Imprimis totam insulam Croilandie pro gleba Ecclesie—Dono.* *Linwood* says, *Gleba est terra in qua consistit Dos ecclesie*, mentioned in the Stat. 14. Car. 2. cap. 25. we most commonly take it for Land belonging to a Parish-Church, beside the Tythe. *Skene* says, *The four nickers of Land quiblibet is granted to the Ministers of the Evangel within this Land, is called one Gleebe, the quiblibet sould be free fra payment of any Teinds, De verbor. Sig. verb. Mansus.*

Glebariæ, Turfs, Pete, or combustible Earth. — *In silvis, campis—vitis, semitis moris, glebariis, lapidibus, metallis, avibus, &c.* *Mon. Angl. tom. 1. p. 920.*

Glove-silver, Money given to some Servants by custom to buy them Gloves as a reward and encouragement of their Labours. *Inter antiquas consuetudines Abbatis de Sancto Edmundo—Capitulum etiam quidem ex predictis servientibus Glove-silver in Festo S. Petri ad vincula quarum hæc sunt nomina, Clericus Cellarii ii. den. Armiger Cellerarii ii. den. Grangiararius ii. den. &c. vaccarius i. den. Ancilla i. den. — Ex Cartular. S. Edmundi, M. S. f. 323.*

Go, Is used sometimes in a special Signification, as to go to God, is to be dismissed the Court; so also is to go without day, *Broke, &c.* *Fayler de Records*, num. 1. See *Smith de Rep. Angl. lib. 2. cap. 13.* and *Kitchin*, fol. 193.

Goaling of Wagabonds, That is, sending to the Gaol, 35 Eliz. cap. 7.

Godhore, Was a Fine or Amerciament for Crimes and Offences against God, an Ecclesiastical or Church Fine.

Good behaviour. See *Good abearing*.

Gogingstool, A Cuckingstool for Scolds and Shrews. — *In Burgo de Montgomery.* — *Quia per Objuratrices & Meretrices multa mala in vicis oriantur—videlicet lites, pugne, dissimulationes, &c. ac alia multa iniquitates pro earum hostias & clamores. Igitur amur de cisdem, quod cum capte fuerint, habeant iudicium de la Gogingstool, & ibi stabunt nudis pedibus, ut aspicere possint ab omnibus per viam transuntibus, secundum voluntatem Bullarum nostrarum capitulum.*

Goats, No Man may Common with Goats within the Forest without especial Warrant. *Nota*, That *Capriolus non est bestia, venationis Forestæ*, *Manwoods Forest-Law*, cap. 25. num. 3.

Golda, A Gullet, a Sink, a Passage for Water, &c. — *Concessionem etiam quam idem Thomas fecit—de terris suis & terris centium suorum tum liberarum quam nativorum, a Goldis mundandis per se & suos secundum consuetudinem in locis de Alsterton & Norton usitatum.* *Mon. Angl. tom. 2. p. 610.*

Good abearing, *Bonus gestus*, Is by a special signification, an exact carriage or behaviour of a Subject to the King and his Liege People, whereunto Men upon their evil course of Life, or loose Demeanor, are sometimes bound: For as *Lambard* in his *Eirenarchæ*, lib. 2. cap. 2. saith, He that is bound to this, is more strictly bound, than to the Peace; for the Peace is not broken

ken without an Affray, but this Surety *de bono gestu* may be forfeited by the number of a Mans Company or by his or their Weapons or Harnes. Whereof see more in that learned Writer in the same Chapter, as also in *Crompt. Just. of Peace. fol. 119, 120, 121, 122, 123, 124, 125, 126, 127.*

Good Country, Bona Patria, Is an Assise or Jury of Countrymen or good Neighbours. *Skene de verbor. Signif. verb. Bona patria.*

Goule, From the French *Goulet*, or the Latine *gula*, In Anno 16 & 17 Car. 2. cap. 11. is a breach in a Bank, or Sea-wall, or a passage worn by the flux and reflux of the Sea.

Gorre, May be fetcht the French *Gort*, that denotes a Wear, [it is a Pool or Pit of Water to keep Fish in; by the Grant whereof the Soyl it self passes, and a *Præcipe quod reddat* lyes of it, as you may see in 4 E. 3. 29. b. and 8 E. 3. 13. a. and F. N. B. fol. 191.] It is also a stop in a River: It is accorded, that all such *Gorset*, Mills, Wears, Stankes, Stakes and Kiddles, which be leyed, and set up in the time of King Edward, the King's Grand-father, and after, whereby the King's Ships and Boats be disturbed, that they cannot pass in such River as they were wont, shall be out, and utterly pulled down, without being renewed, 25 E. 3. cap. 4. Co. on Lit. fol. 5. would derive it from *Gorges*, but with what reason, I will not inquire.

Gore, A small narrow slip of Ground.—*Due rode jacet juxta viam scilicet le gores super shoteforlong. Paroch. Antiqu. pag. 393. una acra & dimidia jacet simul ibidem, & vocatur quinque gores. ib. 532. una acra cum una gore. ib. p. 534.* See Mr. Kennet's Glossary.

Gore, 23 H. 8. 5. A Ditch, Sluce or Gutter, I suppose with more ease drawn from the Latine word *Guttur*, than the Saxon *Geotan*, that signifies, as one faith, *Fundere*.

Graduates, Graduati, Are Schollars as have taken degrees in an University, 1 H. 6. 3.

Grassio, Graphio, Gradio. A Grave, as in *Landgrave*, a Magistrate, a Judge, an Advocate.—*Nec Princeps nec Grassio hanc lenitatem præfatam mutare audeat. Carta kenulphi Regis Merciorum apud Mon. Angl. tom. 1. p. 100.*

Grassium. A writing Book, a Register, a Lieger Book, or Cartulary of Deeds and Evidences. *David Episcopus Menevensis, Sancto Thoma Archiepiscopo in exilium detruso, a Custodibus Capitale sigillum ab-Hulit, & Libram possessionum quod Grassium appellatur. Annal. Eccles. Menevensis apud Angl. Sacr. P. 1. p. 653.*

Grain. The 24th. part of a peny weight. In 51 Hen. 3. *Denarius Anglia qui nominatur Sterllingus, rotundus sine sutura ponderabit triginta & duo grana frumenti in medio spice.* These thirty two Grains in the middle of the Ear of Corn are the natural Grains, which for the better accomodation of Accompts, are now reduced to 24 artificial Grains.

Grasser, Grossarius, Signifies a Notary or Scrivener, and is used in the Statute 5 H. 8. cap. 1. Why may it not be derived from the Greek Verb *γρᾶσθαι*, Scribo: I am sure it is apt enough.

Gralle, Gradale seu Graduale, A Gradual, or Book containing some of the Offices of the Roman Church. *Gradale*, says Linwood, sic dictum a gradalibus in tali libro contentis, Provincial Aug. lib. 3. The word is mentioned in *Plowden*, fol. 542. and 37 H. 6. 32. It is sometimes taken for a Masse-Book, or part of it instituted by Pope Celestine, Anno 432. according to *Cotgrave*.

Grand Affise. See *Affise*, and *Magna Affise*.

Grand Cape. See *Cape* and *Attachement*.

Grand dages, Are those in every Term solemnly kept in the Inns of Court and Chancery, viz. In Easter Term *Ascension-day*, in Trinity Term *St. John Baptists-day*, in Michaelmas Term *All-Saints-day*, (and of late *All-Souls-day*) and in Hilary Term the Feast of the Purification of our Lady, commonly call'd *Candlemas-day*. And these are *Dies non Juridici*, no Days in Court.

Grand Distresse, Magna Districtio, Is so called for quality and extent therefore, for thereby the Sheriff is commanded. *Quod distringat tenentem, ita quod ipse nec aliquis per ipsum ad ea manum apponet, donec habuerit aliud præceptum, & quod de exitibus eorumdem nobis respondeat, & quod habeat corpus eis, &c.* This Writ lies in two Cases, either when the Tenant or Defendant is attached, and so returned, and appears not, but makes default; then a *grand Distress* is to be awarded: Or else when the Tenant or Defendant hath once appeared, and after makes default, then this Writ lies by the Common-Law in lien of a *Petit Cape*, 2. par. *Inst. fol. 254. 51 H. 3. cap. 9. Westm. 1. cap. 44. and Fleta lib. 2. cap. 69. sect. penult.* See *Distress*.

Grand Sergeantry. See *Chivalry* and *Seargeanty*.

Grange, Grangia, Is a House or Farm, not only where Corn is laid up, as *Barnes* be, and *Granaries*, &c. but also Stables for Horses, Stalls for Oxen, Styes for Hogs, and other things necessary for Husbandry: And by the grant of a *Grange* such places will pass, *Provinc. Angl. lib. 2. tit. de Judiciis, cap. Item Omnis.*

Grangerus, The Granger, or Grange-keeper, an Officer belonging to Religious Houses, who was to look after their *Grange* or Farm in their own Hands.

— *Grangerus qui est unus Servientium de feodo cujus officii collatio spectat ad Abbatem debet esse in curia Grangiarum*—et ibi in omnibus commodo Cellerarii intendere

— *Ex Cartular. S. Edmundi. M.S. f. 323.* He was otherwise called *Grangiarus*, and in this he differed from the *Granatarius*, that this latter was keeper of the Granary or Corn-chamber in a Religious House, the other accounted for the profits of a Country *Grange*. And therefore it was expressly provided that the same Person should not execute both Offices. — *Nec susciñeatur quod Prepositus sit Granatarius & Grangiarus simul.* *Fleta. l. 2. c. 82. §. 1.*

Grant, Concessio, Signifies a Gift in writing of such a thing as cannot aptly be passed or conveyed by word only, as *Rent*, *Reversions*, *Services*, *Advowsons* in gross, *Common* in gross, *Tythes*, &c. Or made by such Persons as cannot give but by Deed, as the King, and all Bodies Politick, which differences be often in speech neglected, and then it is taken generally for every gift whatsoever, made of any thing by any Person; and he that granteth is named *Grantor*, and he to whom it is made the *Grantee*, *West. Symbol. part. 1. lib. 2. sect. 334.* A thing is said to lie in grant, which cannot be assigned without Deed, *Coke, lib. 3. fol. 63. Lincoln Colledge Case.*

Grant. A Devil, a Spectre, an Apparition, so called by our Fore-fathers, and thus describ'd by our Country-man *Gervase of Tilbury*, in his *M. S. Tract. De Otis Imperialibus*: lib. 3. cap. 64. *Est in Anglia quoddam Daemonum genus, quod suo idiomate Grant nominatur, ad instar puli egnini anniculi, tibiis erectum, oculis scintillantibus. Istud Daemonum genus sæpissimo comparat in plateis in ipsius dici fervore, aut circa solis occiduum, & quotiens apparet, futurum in urbe illa, vel vico portendit incendium. Cum ergo sequente die vel nocte instat periculum, in plateis, discursu facto, canes provocat ad latrandum, & dum fugam simulat, sequentes canes ad insequendum spevana consequendi invitat: hujusmodi illusio convulsioneis de ignis custodia cautelam facit, & sic officiosum daemonum genus, dum aspicientes*

terret, suo adventu munite ignorantes solet. — I with some ingenious Citizen of York would enquire into the appearances and effects of the *Barr-Guest*, or Apparition which is said to haunt the Streets of that Place; and compare it with the *Grant* before described.

Grafs-Hearth. *Grafsing*, or turning up the Earth with a Plough, as we still say the Skin is *gras'd* or slightly hurt, and a Bullet *gras'd* on any place, when it gently turns up the surface of what it strikes upon. Hence the customary Service for the inferior Tenants to bring their Ploughs, and do one days work for their Lord, was within the Parish of *Amerfsden* in the County of *Oxford*, call'd *Grafs-hearth*, and *Grafs-hurt*. See *Parochial Antiquities*, p. 496, 497. and Mr. Kennet's Glossary annex'd to that Work.

Graha, A Grove, a Coppice, a Thicket, a small Wood. — *Salva Nobis & Succ. nostris una grava continente circiter duas acras bosci jacentis juxta boscum nostrum in Balsam, &c. Cart. Philippi Epi Elien. dat. 17. October 1435.* See likewise Mr. Kennet's Glossary.

Graynes. *Grana Paradisi*, alias *Cardamomum*, Is a Spice Medicinable and wholesome, whereof you may see divers kinds in *Gerardi Herbal*. lib. 3. cap. 148. There are comprised among Merchandise to be garbled by 1 Jac. 19.

Grat men, Are sometimes understood of the Temporal Lords in the higher House of Parliament, as 43 E. 3. cap. 2. and 8 R. 2. in *Proem*. and sometimes of the Members of the House of Commons, as 2 R. Stat. 2. in *principio*.

Graba, A little Wood, Doomsday.

Grath birach or **Grath-breath**, Is intended for a breaking of the Peace by *Saxton*, in his *Description of England*, and *Rastal*, tit. *Exposition of Words*, but mistaken for *Grithbrech*. See *Grithbrech*.

Gre, Cometh of the French word *Gree*, that is good-looking, and in Law signifies Contentment or Satisfaction, as in 2 R. 2. cap. 15. To make *gree* to the Parties, is to give them contentment or satisfaction for an Offence done unto them. So in 25 E. 3. cap. 19. That Judgment shall be put in dispencc, till *gree* be made to the King of his Debt. See *Agreement*.

Green-Cloth, See *Counting-House*.

Greenhew, Is also one with Vert, *Manwoods Forest-Law*, cap. 6. num. 5. See *Vert*.

Green-Silver, *Argentum Viride*, By Custome in the Mannor of *Whittle* in *Essex*, every Tenant having his Fore-door opening to *Greenbury*, pays a half-penny yearly to the Lord of the Mannor, by the Name of *Green-silver*.

Green-wax, Is a word used in 42 E. 3. 9. and 7 H. 4. 3. and signifies the *Estreats of Fines*, *Issues* and *Amerciaments* in the Exchequer, under the Seal of that Court made in *Green-wax*, to be levied in the County. See *Foreigne Apposer*.

Gressume, See *Gersuma*.

Grebe, Praepositus, Is a word of Power and Authority, signifying as much as *Come*, or *Vice-come*. *Lamb.* in his *Exposition of Saxon words*, verbo *Praepositus*, makes it all one with *Reve*. The Saxon word is *Gerisa*, of which we have divers words compounded, as *Skyreve*, *Peritreve*, &c. which, by the Saxons, were written *Scegerefa*, *Portgerefa*. See *Shireve* and *Peritreve*. *Herodian pari. poster. annal.* fol. 346. saith, *Greve dicitur, idco quod jure debeat Grith, i. pacem ex illis facere qui patria inferunt ut, i. mistriam vel malum.*

Greba. The Sea shore, or Sand, or Beach. *Novem atras in greva maris — mensuratas pertica 20. pedum ad salinas faciendas.* *Mon. Angl.* tom. 2. p. 625.

Grithbrech. Is a breach of the Peace, in *causis Regis* *Grithbrech* 100 sol. — *emendabit.* *Leg. H. 1. cap. 36.* *Charta Willelmi Conq. Eccles. sancti Pauli in Hist. ejusd. fol. 90.*

Grills, A kind of little Fish, 22 E. 4. 2.

Grithstole, Sedes pacis, A Sanctuary, See *Fredmorte*.

Grocers, By 37 E. 3. 5. Where Merchants that engrossed all Merchandise vendible; but now it is a particular and well-known Trade, incorporated into a Company which is one of the Twelve, and have a very Handsome Hall, from them stiled *Grocers-Hall*.

Gronna, A deep hollow Pit; a Bog, a Mire Place. — *Ipsius Anselmi corpus effodere & in gronniam praecere jussit.* *Roger Hoveden*, p. 438. So *Grunna*, in the Life of Saint *Shidan* Bishop of *Fern* in *Ireland*. num. 10. *Erat autem magna grunna inter eos 41. silvam, per cujus circuitum via erat.*

Groome, Valletus, 33 H. 8. cap. 10. Is the Name of a Servant in some inferior place. *Verfegan* in his *Refutation of decayed Intelligence*, saith, That he findeth it to have been in times past a Name for Youths, who albeit they served, yet were they inferior to Men-servants, and were sometimes sent on foot of Errands, serving in such manner as Lackeys do now.

Grossa. A Groat. *Concessa est Regi una grossa, qua continet quatuor denarios de quolibet viro & Muliere.* *Henry Knighton*, sub. anno 1378.

Grosse, In Grosse. Absolute, Independent, as formerly a Villan in *grosse*, was such a servile Person, as was not appendant or annex'd to the Land or Mannor, and to go along with the tenure as an Appertinence of it: but was like the other personal Goods and Chattels of his Lord, at his Lord's free Pleasure and Disposal. So Advouson in *grosse* distinguish'd from Advouson appendant.

Grosse bois, Is great Wood, and properly signifies such wood as is either by the Common-Law or Custom of the County Timber, 2 par. *Inst.* fol. 642.

Grossome, Signifies a Fine, and is corrupted from *Gersum*. *Eor Plow. fol. 271.* saith thus, *Et le dit J. K. grant per mesme le indenture a payer en la fin de le dit terme de 10. Ans al dit W. N. deze Mille de tiles ou le value de eux en argent en nisme de Grossome;* And in fol. 285. it is written *Gressame*.

Growth, By 43 E. 3. cap. 10. Seems to be an Engine to stretch woollen Cloth with after it is woven.

Growth-half-penny, A Rate paid in some places for Tythe of every fat Beast, Oxe, or other unfruitful Cattel, *Claytons Rep.* pag. 92.

Guarti, Derived from the French *Grayer* signifies generally the principal Officers of the Forest of whom you may read in the Forest Records.

Grua, Gruel, Broth, Pottage. In the Accounts of the Cathedral Church of *St. Pauls* in *London*, about 5 Edw. II. *Summa frumenti ad panem* 185. quarter. *summa frumenti ad grutam* 135. quarter. *Summa ordei ad grutam* 135. quarter. — *Ex Libro Statut. Eccl. Paulinae.* M.S. f. 73.

Gura-Takers or Gura-Takers. See *Agistors*.

Guydage, Guydagium, Is that which is given for safe Conduct through a strange Territory, or unknown wayes. *Cassaneus de consuetud. Burgum*, p. 119. whose words be these, *Est guidagium quod datur alicui, ut tunc conducat per loca alterius*, Co. 2. *Inst.* fol. 526. calls it an old legal word.

Guld. See *Gild*.

Guldhalda Teutonicozum. See *Gild*.

Gule of August, *Gula Augusti*, *Westm.* 2. cap. 30. 27 E. 3. Stat. 3. cap. unico F. N. 8 fol. 62. alias *Goule de August.* And *Plowden*, fol. 316. Case of *Mines* is the very day of *St. Peter ad vincula*, which was wont, and is

is still celebrated upon the first of *August*. And in probability called *The Gule of August*, from *gula*, a Throat. The reason we have in *Durand's Rationale Divinorum*, lib. 7. cap. de festo sancti Petri ad vincula, where he saith, That one *Quirinus* a Tribune having a Daughter that had a Disease in her Throat, went to *Alexander*, then Pope of *Rome*, the sixth from *St. Peter*, and desired of him to borrow, or see the Chains that *St. Peter* was chained with under *Nero*, which Request obtained; his said Daughter kissing the said Chain, was cured of her Disease, and *Quirinus* with his Family baptized. *Tunc dictus Alexander Papa*, saith *Durand*, hoc festum in Calendis Augusti celebrandum instituit & in honorem beati Petri Ecclesiam in urbe fabricavit, ubi ipsa vincula reposita & ad vincula nominavit & Calendis Augusti dedicavit. In qua festivitate populus ille ipsa vincula hodie osculatur. So that this day that before was only called *The Calends of August*, was upon this occasion termed indifferently either of the Instrument that wrought the Miracle, *St. Peter's day ad vincula*; or of that part of the Mind whereon the Miracle was wrought, the *Gule of August*. See *Hospinian de origine festorum*, fol. 85. *Averagium festive fieri debet inter Hock-day et gulam Augusti* : *Rentale Manerit Regalis de Wy.*

Gulsum, Taxation, or pecuniary imposition. — *Abbas & conventus sunt quieti de schapiis latronum, bobus de disseisina, guldus, theoloniis, &c. Cartular. Glaston, M. S. f. 87. a.*

Gulstwir, Is an amends for Trespas, according to *Saxon*, in his *Description of England*, cap. 11. But we may suppose it mistaken for *Gyltwir*, because no such word is found either in *Spelman's Glossary*, the *Saxon Dictionary*, or ancient Record.

Guest, *Hopse*, Is used by *Bracon* for a Stranger or Guest, that lodges with us the second night, *Lib. 3. tract. 2. cap. 10.* In *St. Edm. Laws*, published by *Lamb. num. 27.* it is written *Gest*. Of this see more in *uncouth*.

Gumfus, *Gumphus*. The hook upon which the hinge turns. — *In granario cooperiendo xxvi. fol. x. den. In ostiis eidem faciendis cum gumfis & vertinellis (i. e. with hook and hinges) vii. fol. iv. denar. Computus Domus de Farendon. M. S. f. 18.*

Gumme, Is a clammy or tough Liquor issuing out of Trees, and hardened by the Sun. Of these there be divers sorts brought from beyond Sea, that are Drugs to be garbled, as appeareth by the Statute 1 Jac. 19.

Gutta, The Gout. Anno 1287. *Quidam infirmitate quam Medici guttam vocant vexabatur, ut nec pedes nec manus absque dolore gravissimo movere possit. Liber de miraculis Tho. de Cantilupo Episcopi Hereford M. S. penes Willelmum Glynne Baronetum.*

Guttera, A Gutter or Spout to convey the Water from the Leads and Roof of Churches. — *Custos operis post singulas magnas pluvias faciat scrutari volutas superiores Ecclesie, & tunc similiter mundari faciat deambulatoria superiora circa Ecclesiam exteriori ut pluvia liberum fluxum habeat per gutteras, nec amplius, &c. Liber Statutorum Eccl. Pauline London, M. S. f. 43. a.*

Gutter-tile alias Corner-tile, Is a Tile made three-corner-wise, especially to be laid in Gutters, and at the corners of tiled Houses and Dove-houses, 17 E. 4. 4.

Gwaby-merched, Is a British word, signifying a Fine made to some Lord of Mannors upon the Marriage of their Tenants Daughters, or otherwise upon their committing Incontinency. See *Marchet and Lairme*.

Gwalstom, A place of Execution, *Omnia Gualstom, id. est, occidendorum loca totaliter Regis sunt in loca sua.*

Gwayt, Waif, Watbium. They were properly such Goods, as Felons or Thieves when pursued, cast down and left in the High-way, which became a forfeiture to the King or Lord of the Mannor, unless the right Owner did legally claim them within one year and a day. — *Recognitum est Militibus & liberis hominibus, quod ad nos spectat le Gwayt, &c. ita & statim redditum est nobis le Gwayt de Ernicott scilicet duorum porci cum quinq; porcellis. Paroch. Antiq. p. 196.* where the Word signifies only stray Cattle, Waif and Stray.

Gyltmyre, *Habeatq; ipse Episcopus* (sc. *Oswaldus Ep. Georgeceastre*) &c. debita transgressionum & penam delictorum qua nos dicimus Oserlepenesse & Gylewit, & omnia quacumq; Rex in suis hundredis habet. Ex ipso Autographo Eadgati Regis dat. anno 964. Penes Regem; It signifies a Compensation for Trespas or Fraud.

H

Habeas Corpus, Is a Writ which a Man indited of a Trespas before Justices of Peace, or in a Court of any Franchise; and being apprehended and imprisoned for the same, may have out of the King's Bench to remove himself thither at his own Costs, and to answer the Cause there, *F. N. B. fol. 250.* And the order of this Case is, first to procure a *Certiorari* out of the Chancery, directed to the said Justices, for the removing of the Indictment into the King's Bench, and upon that to procure this Writ to the Sheriff, for the causing of his Body to be brought at a day, *Reg. Jud. fol. 81.* where you may find divers Cases, wherein this Writ is to be used.

Habeas corpora, Is a Writ that lies for the bringing in of a Jury, or so many of them as refuse to come upon the *Venire facias*, for the Trial of a Cause brought to Issue, *Old. Nat. Brev. fol. 157.* See great diversity of this Writ in the Table of the *Register Judicial, verbo Habeas corpora*, and the *New Book of Entries, verbo Eodem*.

Habendum, Is a word of form in a Deed or Conveyance, every of which must have two parts, viz. the *Premises* and the *Habendum*: The Office of the *premises* is, to express the Names of the Grantor, Grantee, and the thing granted. The Office of the *habendum* is, to limit the Estate, so that the general implication of the Estate, which, by construction of Law passeth in the *premises*, is by the *habendum* controlled and qualified. As in a Lease to two Persons, *habendum* to the one for life, the Remainder to the other for life, altereth the general implication of the Joynt-tenancy in the Free-hold, which should pass by the *premises*, if the *habendum* were not, *Co. vol. 2. fol. 55. Bucklers Case.* See use,

Habentes homines. In a Charter of *Cenulph* King of the *Merians*, anno 821. *Nec Rex sum pastum requirit, vel Habentes homines, quos nos dicimus Fastingmen, nec eos qui accipiores portant vel fulcones.* *Mon. Angl. tom. 1. p. 100.* Du Fresnoy says they are no more than *Divites Rich Men*. But no doubt the word implies a stricter Sense: and did import either the King's Guard or Retinue, who were at the King's Pleasure to be *Feasting-men*, or plentifully entertain'd at the Houses of his Tenants: or rather those old Servants who were commended to the Religious by the King, and so fastened on them for corrodies or maintenance for Life. Or perhaps only the Pledges and Sureties, or *Friborghs*, who under their Chief or Principal the Tithing Man, were to keep the King's Peace, and be accountable for the breach of it.

Habere facias seisinam, Is a Writ Judicial, which lyeth where a Man hath recovered Lands in the King's Court,

Court, directed to the Sheriff, and commanding him to give *seisin* of the Land recovered, *Old Nat. Brev. fol. 154*. See great diversity thereof in the Table of the Register Judicial, *verbo Habere facias seisinam*. This Writ is sometimes issuing out of the Records of a Fine executory, directed to the Sheriff of the County where the Land lyeth, and commanding him to give to the Cognisee, or his Heirs, *seisin* of the Land whereof the Fine is levied, which Writ lyeth within the year after the Fine, or Judgment, upon a *Scire facias*, and may be made in divers forms, *West Symbol. 2 tit. Fines feci. 136*. There is also a Writ called *Habere facias seisinam ubi Rex habuit annum, diem & vallum*, which is for the delivery of Lands to the Lord of the Fee, after the King hath taken his due of Lands of him that was convicted of Felony, *Orig. fol. 165*.

Habere facias visum, Is a Writ that lies in divers Cases, where view is to be taken of the Lands or Tenements in question, *F. N. B. in Indice, verbo View*. *Bracton, lib. 3. tract. 3. cap. 8. & lib. 5. part. 2. cap. 14*. See *View*, *Reg. Jud. fol. 1. 26, 28, 45, 49, 52*.

Haberellus, A sort of Fish, perhaps *Haberdine*, or a sort of Cod-fish dried and salted. — *Sowry reddit in gabulo assiso xiii. libras. — ut v. de anguillis, & II. de haberellis, et I. de parvis anguillis, vel tres solidos de piscaria*. *Cartular. Abbat. Glaston. M. S. f. 39. a*.

Haberjettz or **Haubergergetz**, *Haubergergetta*, A kind of Cloth, *una sit latitudo pannorum tinctorum, rassatorum et Haubergergettarum, scil. dua ultra infra listar, Mag. Chart. cap. 25, 26. Et pupilla oculi, part. 5. cap. 22*.

Habiliments of War, 31 *Eliz. cap. 4*. Are Armor, Harness, and Provision of War of all sorts, without which no War can be maintained, 3. *par. Inst. fol. 79*.

Hables, Is the plural of the French *Habile*, signifying a Port or Haven of the Sea; whence Ships set forth into other Countries, and where they do arrive when they return from their Voyage: This word is used 27 *H. 6. 3*.

Habunda, Abundance, Plenty. — *Receptis de casco et butiro, et eo minus propter habundam casei maximam*. *Paroch. Antiquir. p. 548*.

Hache, A Hatch, a Gate or Door. *Sax. haca, pefulus*, a Hatch or Bolt. — *Idem tenetur tempore consuetudinis obstruere le hacche de mere, et capere glebam et clasuram in mora*. *Cartular. Abbat. Glaston. M. S. f. 42. b*. Hence the Buttery-Hatch, and several Houses situate on the High-way near a common Gate, are still call'd *Hatches*.

Hachetta, A Hatchet or cutting Instrument of Iron. — *Quidam Serviens ipsius Rogeri in presentia ipsius Episcopi percussit et vulneravit usque ad enormem sanguinis effusionem Ricardum de ejusdem Episcopi comitiva, qui repperat hatchettam quam tenebat quidam familiaris alius ejusdem Rogeri, versus Dominum Episcopum cum dicta hatchetta elevata veniens, quasi veller eundem Episcopum percussere*. *Abbat. Glaston. Cartularium. M. S. fol. 66. a*.

Hachia, A Hack, a Pick, or Instrument for digging. — *Adam de Holt vendidit Henrico Scot quartam partem manerij de Betetorn, et statim percussit ad predictam quartam partem de selione in selionem, et ad ultimum selionem dictus Adam cum hachia fodit quandam particulam terre, et tradidit illum dicto Henrico nomine seisine*. *Placita. Edw. III. M. S.*

Hadbore, Was a Recompence made for the violation of Holy Orders, or violence offer'd to Persons in Holy Orders, *Saxon-Dictionary*.

Hade of Land, *Hada terre*; *Sursum reddidit in manus Domini duas acras terre continens decem seliones et duas Hadas, Anglice, Ten Ridges, and two Hades, jacent. inter. terr. &c. Maner de Orleton, Anna 16. Jac.*

Haderunga, Respect of Persons, Partiality, from *Sax. had*, Person, Degree, Quality; and *arungo* honouring, admiring. Hence in the Laws of King Ethelred. — *Judicia debent esse sine omni haderunga, quod non parcatur diviti alicui vel egeno, &c.*

Harede deliberando alii qui habet custodiam terre, Is a Writ directed to the Sheriff, willing to Command one, having the Body of him that is Ward to another, to deliver him to him, whose Ward he was by reason of his Land, *Reg. Orig. fol. 161*. This is now out of use by 12 *Car. 2. cap. 24*.

Harede abducto, Is a Writ that lyeth for a Lord, who having the Wardship of his Tenant under age, by right cannot come by his Body, for that he is conveyed away by another, *Old Nat. Brev. fol. 93*. See *Ravishment de Gard*, and *Harede rapto* in *Reg. Orig. fol. 163*, but now of no use.

Heretare, To give a Right of Inheritance, or make the donation hereditary to the Grantee and his Heirs. — *Tandem usus consilio & patrocinio amicorum heretavit sanctum Paulum de quatuor hidis & dimidia*. *Histor. Eliensis, Edit. Gale. cap. 41*.

Heretico comburendo, Is a Writ that lies against him that is a Heretic, viz. that having once been convicted of *Heresie* by his Bishop, and having abjured it, afterwards falleth into it again, or into some other, and is thereupon committed to the secular Power, *F. N. B. fol. 269*. This Writ lies not at this day, according to the Opinion of Sir Edward Coke in his Twelfth Rep. fol. 93.

Haga, Is used as a kind of Latine word for a House in a City or Burrough: In *Doomsday Book* in *Sussex, Terra Rogerii*, num. 11. *Radulfus tenet unam Hagam de xii. denar. Will. quinq; hagas de 5. fol. &c.* In an old Book, sometimes belonging to the Abby of *St. Austine* in *Canterbury*, we find that King Stephen sent his Writ to the Sheriff and Justices of *Kent* in this manner, *Stephanus Rex Anglorum, Vice-comiti & Justiciariis de Kent, salutem, Precipio quod faciatis habere Ecclesie Sancti Augustini et Monachis hagam suam quam Gosceold eis dedit, &c.*

Hafne Courts, *Hafne*, Is a Danish word signifying a Haven or Sea-port, in Letters Patent of Richard Duke of Gloucester, Admiral of England, 14. *Aug. 5 E. 4*. are these words, *Uterius dicant quod dicti Abbas et conventus et predecessores sui habent et habere consueverunt per idem tempus in predictis villis (Bancafter & Ringsted) cum bulmo, quasdam curias portus vocatas Hafne Courts tenendas ibidem, &c.* *Haven Courts*, 4. *Inst. fol. 147*.

Haga, A Hedge. *Sax. haz* melted into *Hay*, whence *Haja*. — *Quod totum dictum placeam — includere possint fossato et haga secundum assisam forestie*. *Mon. Angl. tom. 2. p. 273*.

Haga, A House. *Sax. haegh, hagh*, whence our old English *Haw*. This word *Haga* for a Mansion or Dwelling House is frequent in *Doomsday Book*.

Hagbur, See *Haque* and *Haquebom*.

Haja, A Hedge, and sometimes taken for a Park or Enclosure, *Vallatum fait, &c. fossata Haja & Palatio*, *Bract. lib. 2. cap. 40. num. 3*. Hence *Hajment* for a Hedge-fence, *Rot. Inq. 36 E. 3. in Scac. de Foresta*.

Hairebore, Is an irregular compound of the French *Haye*, i. *Sepes*, and the Saxon *Bore*, *compensatio*, and used for a permission to take Thorns or Freeth to make or repair Hedges. See *Hedgebore*.

Hake, A sort of Fish dried and salted call'd commonly *Poor-John*, In the Western parts of England, *Haket*, from *Sax. Hacod*. The proverb obtains in *Kent*, *as dry as a Hake*. — *Et in tribus copulis viridis piscis, cum uno viridi lynge, cum tribus congere, et cum una copula de hake*. *Antiquit. Parochial. p. 575*. See *Spelman's Glossary* in *Hakejdas*. Half-

Halt-hague, See *Hague*.

Haltfang, See *Pilory* and *Healfang*.

Haltmark, *Dimidia Merka*, Is a Noble *F. N. B.* fol. 5. where he saith, That in case a Writ of Right be brought, and the seisin of a Demandant, or his Ancestor, alledged, the seisin is not traversable by the Defendant, but he may tender or proffer the *Half-mark* for the enquiry of this seisin; which is in plain terms, that the Defendant shall not be admitted to deny, that the Demandant or his Ancestor, was seised of the Land in question, and to prove his denial; and that he shall be admitted to render *half a Mark* in Money, to have an Enquiry made, whether the Demandant, &c. were so seised or not. And in this signification we find the same words in the *Old Eng. Nat. Brev. fol. 26.* Know, that in a Writ of Right of an Advowson brought by the King, the Defendant shall not proffer the *half mark*, &c. whereof *Fitzherbert, ubi supra*, giveth this reason, because in the King's Case, the Defendant shall be permitted to traverse the Seisin, by Licence obtained of the King's Sergeant. To which effect see *F. N. B. fol. 31.*

Half Seal, Is used in the Chancery for the sealing to Delegates, appointed upon any Appeal, either in Ecclesiastical or Marine Causes, 8 *Eliz. 5.*

Half-Tongue, See *Medietas Linguae*.

Halmote alias *Healgemote*, Is a Court-Baron, *Manwoods Forest Laws, cap. 23.* And the Etymology is the meeting of the Tenants of one Hall or Mannor. See *Gwin's Preface to his Reading, Omnis causa terminetur, vel Hundredo, vel Comitatu, vel Halmote, solum habentium, Leg. Hen. 1. cap. 10.* The Name is still kept in several places in *Heresfordshire*. It is sometimes taken for a Convention of Citizens in their publick Hall; as in *London* every Company hath a Hall, wherein they keep their Courts, 4 *Inst. fol. 249.* It may also signify a Holy or Ecclesiastical Court.

Haliworfolk, i. e. Holy-work-folk, or People who held Lands for the service of repairing or defending a Church or Sepulchre, for which pious Labours they were excused from feudal and military Services. *Hugo Episcopus Dunelmensis Homines de Episcopatu secum coegit ire in guerram Scotia & cum redissent domi ab eo non licentiam, fecit eos apud Dunelmum in carcerari. Quod ipsi graviter ferentes, fecerunt se partem contra Episcopum, dicentes se esse Haliworfolk, & terras suas tenere ad defensionem corporis S. Cuthberti, nec debere se exire terras Episcopatus, scilicet ultra Tinam & Tey-sam pro Rege vel Episcopo. Hist. Dunelm. apud Whar-toni Ang. Sac. P. 1. p. 749.*

Hall, *Halla*, The Saxon word is *Halle*, and antiently denoted a chief Mansion-House or Habitation; which word we retain in many Countries of England to this day, especially in the County-Palatine of *Chester*, where every Gentleman of Qualities Seat is termed a Hall.

Hallage, Is a Fee due for Cloaths brought for Sale to *Blackwel-Hall* in *London*, *Co. vol. 6. fol. 62. b.* Also the Toll due to the Lord of a Fair or Market, for such Commodities as are vended in the Common-Hall of the place.

Hallowmas. The day of *All-Hallows*, or *All-Saints*, Nov. 1. One of the cross quarters of the Year was commonly so computed in ancient writings from *Hallowmas* to *Candlemas*.

Hallamshire, Is a part of *Yorkshire*, in which the Towns of *Sheffield* stands, 21 *Jac. cap. 23.*

Halmetus. *Villani ne vendant donent vel locent terras custumarias per cartam vel sine convillanis vel Custumariis sine expresso consensu Firmariorum & in plena curia vel Halmeto, ut per recordum Curie, &c. Statut. Eccl. Paul. London. M. S. f. 45. 6. See Halmote.*

Ham, A House, also a Village or little Town: This is a termination of many Towns in England, as *Nottingham*, *Buckingham*, *Walsingham*, &c.

Hambles, See *Hables*.

Hambling, or *Hameling* of Dogs, Is the same with expeditating; *Manwoods Forest Law, cap. 16. num. 5.* says, This is the ancient term that Foresters used for that matter, and *num. 12.* he adds, *Canutus* in his 31 Canon, doth call *The lawing of Dogs, Genu-scisso*, which was a kind of cutting or laming of Dogs in the hams, which the old Foresters called *Hamling*. See *Expeditate*.

Hamlet, as also *Hamel* and *Hampfel*, Are diminutives of *Ham*, which signifies Habitation, *Camd. Brit. pag. 149. & 354.* *Kirchin* hath *Hamel* in the same sense, who also useth *Hampfel* for an old House or Cottage decayed, *fol. 103.* *Hamlet*, as *Stow* useth it in *Edw. 3.* seemeth to be the Seat of a Freeholder; for there he saith, The King bestowed two Mannors and nine Hamlets of Land upon the Monastery of *Westminster*, for the keeping of yearly Obits for his Wife, *Queen Elianor* deceased. *Spelman* making a difference betwixt *Villam integram, villam dimidiam & Hamlettam*, hath these words, *Hamlettam vero qua medietatem friborgi non obtinuit, hoc est ubi quing. Capitales Plegii non sint deprehensi.* The Statute of *Exton, 14. E. 1.* mentions it thus, *Lex nosmet de toutes les villes & Hamlets que sont en son Wapentake, &c.*

Hamellus. A Hamlet. — *Cum annuus solidae annui redditus in hamello de Chetham. Will. Thorn.*

Hamsare, An Assault made upon a House. See *Gloss. in scriptores.*

Hamma, A Home-Close, a small Croft, or little Meadow. — *Quoddam pratunculum quod vocatur Hamma. Paroch. Antiquit. p. 135. quatuor acras prati in Gore juxta hamam Gilberti. ib. p. 176. Computant de sex solidis, octo denariis receptis de duobus hammis prati in campo de Wendleburg. ib. p. 572.* in which latter citation *hamma prati* seems to be a narrow skirt, hem, or edge of Meadow or Grass in the common Field. See *Mr. Kenner's Glossary*.

Hamma. Some sort of Fishing-tackle, perhaps the Poles with which they beat the Water, to drive the Fish into the Nets. For the word *Hamis* in the Glossary of *Du Fresne*, is thus expounded from *Johannes de Janua*, *sustitit auxcipabilis scilicet virgula, qua sustinet rete, quo capiuntur fere, vel quod levat rete in quo capiuntur aves, & dicitur ab hamis.* However, it is plainly some Instrument of poching for Fish. — *Nallus hominum de cetero in gressum habeat in piscariam ratione piscandi, sed omnia resia, le hammes, & alia instrumenta piscaria deferantur ad curiam de Mere ad opus Piscatorum. Cartular. Abbat. Glaston. M. S. f. 90. b.*

Hamsoken, See *Homesoken*, *Skene de verbor.* Signifieth it *Haimsoken*; and deriveth it from *Haim* a German word, signifying a House, and *Suchen*, that is, to seek, search, or pursue: It is used in *Scotland* for the Crime of him that violently, and contrary to the King's Peace, assaulteth a Man in his own House, which, (as he saith) is punishable equally with Ravishing a Woman. *Significat etiam quietantiam misericordie intrantem in alienam domum vi & injuste. Fleta lib. 1. cap. 47.* Our antient Records expreis Burglary under this word *Hamsoken*. In a Charter of Donation from King *Edmund* to the Church of *St. Mary Glaston*, we have these words, *Concedo libertatem & potestatem, jura, consuetudines & omnes forisfacturas omnium terrarum suarum, i. Burgherith & Hundred-seignia, Athas & Ordeke, & Infangtheofas, Hamsoken & Fridebrice & Forestel & Toll & Team in omni Regno meo, &c.*

Hand-borow, A Surety, a manual Pledge, that is, an inferior Undertaker; for *Hena-borow* is a superior or chief Instrument, *Spelm.*

Hand-habend. A Thief apprehended in the very Fact; having the stolen Goods in his Hand — *Ne foris hantum, aut furem hand habendam Francigenam vel Anglicum, ultra duodecim annis annuam & 8 denarios walenem, impunitum transcat. Leges Hen. 1. cap. 59. See Fleta lib. 1. cap. 38. Sect. 1. and Bracton, l. 3. tract. de Conna. cap. 32. Sect. 2.*

Hand in and hand out, 17 E. 4. cap. 2. Is the name of an unlawful Game.

Handful, Is four Inches by the Standard, *Anno. 33 H. 8. s. 6.*

Hand grith. Peace or protection given by the King with his own Hand. So among the Compacts of *Alfred*, and *Gudrun*, Sect. 1. *Et hoc est primum Edictum Ecclesie, pax inter parietes suas, ut Regis hand-grith semper inconvulsa permaneat.* This the meaning of that Passage in the 13th Chapter of the Laws of King *Hen. 1.* *Hec mittunt hominem in misericordia Regis, infra illis pacis quam per manum suam dabit alicui.*

Hand-gun, Is an Engine prohibited to be used, and carried about by the Statute, 33 H. 8. 6. And though a Dag was invented of late time, and after the making of the said Act, and is not known by the name of a Hand-gun, but by its own special name; yet the carrying a Dag is within the said Act. See *Co. lib. 5. fol. 71. 72.*

Handy-warp, A kind of Cloth made at *Cocksal*, *Becking*, and *Braintree* in *Essex*, and mentioned in the Statute 4 & 5 Phil. & Mar. 5.

Hanifare. See *Hinesfare*.

Hangwite alias *Hangwit*, or *Heng-wit*, Cometh of the Saxon words *Hangian*, pendere and *wite*, multa. *Rassal* faith, It is a liberty granted to a Man, whereby he is quit of a Felon Thief or hanged without Judgment, or escaped out of Custody. By some it hath been interpreted, *Multa pro homine injuste suspense*, and elsewhere *Multa pro latrone prater juris exigentiam suspense vel elapsi*. It may also signify a Liberty, whereby a Lord challengeth the Forfeiture due for him, who hangs himself within his Fee, *sed quare*. See *Blood-wit*.

Hanper, *Hanaperium*, The *Hanaper* of the Chancery, *Anno 10 R. 2. cap. 1.* seems to signify the same, that *Fistur* doth originally in the Latine. See *Clerk of the Hanaper*.

Hanse, According to *Ortelius* in the Index to his *Addition* to his *Theatre*, ver. *Anstici*; Is an old Gothish word: It signifieth a certain Society of Merchants combined together, for the good usage and safe passage of Merchandise from Kingdom to Kingdom. This Society was, and in part yet is, endowed with many large privileges of Princes respectively within their Territories. It had four principal Seats or Staples, where the *Almain* or German Merchants being the Erectors of this Society had an especial House, one of which was here in *London*, call'd *Gildbalda Teutonorum*, or among us vulgarly the *Steel-yard*. — *Et quod habent Gildam mercatorum cum Hansa, &c. Charta Hen. 7. Ballivis & Burgenf. Mintzomer.*

Happe, Cometh of the French *Happer*, i. *Rapere*, to snatch or catch: and signifies the same with us, as to *happe* the possession of a Deed-poll, *Littleton, fol. 8.* To *happe* the Rent, as if partition be made by two Parceners, and more Land be allowed to one than the other: and she that has most of the Land charges it to the other, and she *happeth* a Rent, she shall remain an Assise without specialty.

Haque, Is a Hand-gun about three quarters of a yard long, 33 H. 8. cap. 6. and 2 & 3 E. 6. cap. 14. There

is also the *Half-haque* or *Demy-haque*. See *Haquebut*.

Haquebut. Is a sort of Gun, which we otherwise call a *Harguebuts*, being both French words, 2 & 3 E. 6. 14. 4 & 5 Phil. & Mar. cap. 2.

Haratium, or *Haracium* (from the French *Haras*) signifies a race of Horses and Mares, kept for breed. *Spel Gloss. verb. Haracium. Et decimas de dominio suo, de pratis, de bladis parci, Haratiis, molendinis & de Variis, Mon. Ang. part 1. fol. 339.*

Hardwice. *Doomsday Tit. Glowet. Burg. Luncare.* — In *Wales* sunt tres *Hardwices*, *Lumchare*, *Perischmet*, & *dimid*. & in his sunt 8 carucate & 11 villani. *Spelman* seems to interpret it a hard village, and *Du Fresne* falls into a perfect blunder upon the word. I rather think it meant *Heard-wice*, the Herdman's Village, as *Geor-ton* the *Churlis-town*: whence *Herdwick* and *Charlton* are now the names of very many places.

Harior alias *Harior*, *Heriotum*, Is in the Saxon Tongue *Heregate*, which is derived from *Here*, *exercitus*; and *Geat* is a Beast, and in the Saxons time signified a Tribute given to the Lord for his better preparation towards War. *Lambert* in his *Explication of Saxon words, verbo Herecorum*, The name is still retained, but the use is altered; for whereas by *Lambert's* Opinion, it did signify so much as Relief doth now with us: now it is taken for the best Cattle that a Tenant hath at the hour of his Death, due to the Lord by Custom, *Kitchin, fol. 133. 134.* makes *Heriot* Service and *Heriot* Custom; for interpretation whereof, you shall find these words in *Broke, tit. Harior, num. 5.* *Harior* after the death of the Tenant for life is *Harior-Custom*. *Harior-Service* is after the death of Tenant in Fee-simple. In the Book called *Les Termes de la Ley*, 'tis said, That *Harior-Service* is often expressed in the Grant of a Man, that he holds by such Service to pay *Harior* at the time of his Death, that holdeth in Fee-simple. *Harior-Custom* is, when *Harior*s have been paid time out of mind by Custom, and this may be after the Death of Tenant for life. And for this the Lord may distrain or seise. See *Plowd. fol. 95. 96.* *Bracton, lib. 2. cap. 36. Dist. and Stund. cap. 9.* But of right neither the Lord nor Officer should take *Harior*, before it be presented at the next Court holden after the Tenant is dead, that such a Beast is due for a *Harior*. If the Lord purchase part of the Tenancy, *Harior-Service* is extinguish'd, but it is not so in *Harior-Custom*, *Co. 8. Rep. Tulbort's Case*. If the Lord ought to have a *harior* when his Tenant dieth, and the Tenant deviseeth away all the Goods; yet the Lord shall have his *harior*, for the Law preferreth the Custom before the Devise, *Co. on Lit. lib. 3. cap. 3. pag. 185.* See *Dyer, fol. 199. num. 58.* This in *Scotland* is called *Herrezelda*, compounded of *Here* in Dutch, in Latine *Herru*, that is, a Lord or Master; and *Zeild* a Gift, Tribute or Taxation. *Skene de verb. Signif. verbo Herrezelda.* *Harior* or the delivering up of Arms at the decease of a Tenant did not obtain in *England* till the Sovereignty of the *Danes*, and are first mentioned in the Laws of *Canute*. The Book of *Doomsday*, and generally all Monkish writers have confounded *Harior*s and *Reliefs*: whereas there was very great difference between them. *Harior* was often a personal, Relief always a *pradial-Service*. *Harior*s were first contrived to keep a conquered People in Subjection, and to support the publick strength, and military furniture of the Kingdom. *Reliefs* for the private commodities of the Lord, that he might not have *inutilem proprietatem* in the Seigniorie. *Reliefs* were a feudal service, *Harior*s before any feudal tenure. *vid. Spelman de Fidis, cap. 18.* See *Mr. Kennet's Glossary in Heriotum*.

Haro, Harron. An Outcry, or hue and cry after Felons and Malefactors — *Cubicularius Episcopi Eliensis Willelmum de Holm interfecit* — *Margareta sutor interfecit secuta est Episcopum, clamore terribili vociferans, Harron super te Thoma de Lyde, Harron, Harron super te, tu enim interfecisti fratrem meum Willelmum de Holme, Harron super te, Harron.* Hist. Elien. apud Whartoni Angl. Sacr. Par. 1. p. 658. See the original of this Clameur de haro among the Normans in *La Coutume de Normandie*, par M. Henry Basse. vol. 1. p. 104.

Harretti canes. Harriets or Hounds for hunting Hare. — *Johannes le Bay tenet duas bidas terra de Domino Rege in Bokhampton per serjantiam custodiendi unam mutam canicorum harretorum (i. e. one pack of Beagles, or small Harriers) ad custum Domini Regis.* Cart. 12. Ed. 1.

Hart. Is a Stag of five years old compleat, *Manwoods Forest Laws*, cap. 4. num. 5. which he hath out of *Budaus de Philolog.* lib. 10. And if the King or Queen do hunt him, and he escape away alive, then afterward he is called a *Hart-Royal*; And if the Beast by the King or Queens hunting be chased out of the Forest, and so escape, Proclamation is commonly made thereabout, that in regard of the Pastime, that the Beast hath shewed to the King or Queen, None shall hurt him, or hinder him from returning to the Forest; and then he is a *Hart-Royal* proclaimed.

Hart-Hony, and **Hart-Silber,** and **Hart-Honey.** See *Chimney-Money* and *Peter-Pence*.

Haspa. The Hasp or Clasp of a Book. In the Statutes of the Cathedral Church of St. Paul's in London, it was ordain'd — *ut Seruientes Ecclesie assentes & haspas librorum suis sumptibus reparari faciant, si per culpam illorum infringantur.* — *Liber Statutorum Eccl. Pauline London.* M. S. f. 29. a. *Sacrista curet quod Libri bene ligentur & haspentur, &c.* ib. f. 39. b.

Hasta porci. A Shield of Brawn. — *Johanna de Musgrave tenet terras in Blecheldon de Domino Rege per seruitium deferendi Domino Regi unam hastam porci pret. 11. den. cum fugaverit in parco suo de Cornbie.* Paroch. Antiquit. p. 450.

Habeland. A Head land, now commonly a *Had-land*, whence the *Head-way* or *Had way*. Paroch. Antiquit. p. 537.

Hauthoner. — *faciendo inde mihi forinsecum seruitium — et faciendo seruitium de Hauthoner quantum pertinet ad predictam villam.* — *T. Mainwairing to Sir D. Leicester.* p. 7.

Haubergets. See *Habergefts*.

Haw. A small quantity of Land so called, as a *Hemp-haw*, a *Bean-haw*, lying near the House; But some Manuscripts say, That *Hawes* vocantur mansiones. And Co. on *Lit. fol. 5.* says, That in an old Plea, relating to *Feverham* in Kent, *Hawes* are interpreted to signify the same.

Hamard. See *Hayward*.

Hamberke, Cometh of the French *Haubert*, *Loric*, whereupon he that holdeth Land in France, by finding a Coat or Shirt of Mayle, and to be ready with it when he shall be called, is said to have *Hamberiticum feudum*; whereof *Hotoman* writeth thus, *Hamberiticum feudum Gallicè Linguà vulgo dicitur pro Loricatum, i. datum vassallo ea conditione, ut ad edictum Loricatus sive Cataphractus sit praesto. Nam ut Loricæ Latinis proprie, tegmen de loro factum quo majores in bello utebantur, &c. frequentissime autem pro aëre armatura integre usurpatur; sic apud Gallos Haubert proprie Loricam annulis contextam significat, quam vulgus Core de Maille appellat, Hotom. in verb. Feudal. verbo Hauberticum Feudum.* *Hauberke*, with our Ancestors, seemeth to signify as in France a Shirt or Coat of Mail, and so it seemeth to

be used, 13 E. 1. Stat. 3. cap. 6. Though in these days the word is otherwise written, as *Halbert*, and signifies a Weapon well enough known.

Hawes, In *Doomsday Book* signifies Mansions or Dwelling-houses.

Hawes, Small Vessels of burden to carry Goods in the River Thames from *Faversham*, &c. to London, such as are still call'd *Hoyr*. Anno 30. Ed. 1.

Ante fundationem Abbatis de Faversham fuit villa & manerium de Faversham cum pertin. — in manibus Regum Angl. — quo tempore fuerunt in predicta villa triginta & duo mansiones quæ vocabantur triginta & dua hawes quæ pro rebus & bonis suis in aqua flotantibus fuerunt scottantes & lottantes cum ipsi de Doverr in auxilium servitii sui viginti navium in quibus tenebantur Domino Rege in guerris suis. — Placit. temp. Ed. 1. & 2. M. S. yet I rather think it meant of xxxii. Haghe, Haghs, or Houses.

Hawkers, Be a sort of deceitful Fellows that go from place to place, buying and selling Bras, Pewter, and other Merchandise, that ought to be uttered in open Market: The appellation seemeth to grow from their uncertainty, like those that with *Hawks* seek their Game where they can find it; you may read the word 25 H. 8. 6. and 33 H. 8. 4. We now call those *Hawkers* that go up and down the Streets crying *News-Books*, and selling by Retail; and those who sell them by Whole-sale from the Press are called *Mercury's*.

Haye, A Hedge, also a piece of Ground inclosed with a Hedge. See *Hais*.

Hayward alias **Haward,** Is a compound of two French words, viz. *Hay* 1. *Sepes*, and *Gard*, i. *Custodia*, and signifies one that keepeth the common Herd of the Town; and the reason may be, because one part of his Office is to look that they neither break nor crop the Hedges of enclosed Grounds: He is an Officer sworn in the Lord's Court, and the form of his Oath you may see in *Kitchin*, fol. 46.

Hazarders, Are such as play at Hazard, and Game at Dice so called; *Hazardor communis ludens ad falsos talo, adjudicator quod per sex dies in diversis locis ponatur super Callistrigium*, Inter place Trin. 2 H. 4. Suffex 10.

Headborow, Derived from the Saxon *Head*, id est, caput, & *Borge*, i. *Pignus*; signifies him that is chief of the *Frank-pledge*, and him that had the principal Government of them within his own Pledge. And as he was called *Head-borow*, so was he also called *Burrow-head*, *Burholder*, *Third-borow*, *Tything-man*, *Chief-pledge* or *Burrow-elder*, according to the diversity of Speech in several places. Of this see *Lambert* in his *Explication of Saxon words*, verbo *Centuria*, and in his *Treatise of Constables*, and *Smith de Rep. Angl.* lib. 2. cap. 22. This Officer is at present called a *Constable*. See *Constable*.

Head-pence, Was an Exaction of 40 li. or more heretofore collected by the Sheriff of *Northumberland*, of the Inhabitants of that County twice in seven years, that is, every third and every fourth year, without any Account made to the King, which was therefore by the Statute of 23 H. 6. cap. 7. clearly put out for ever. See *Common Eine*.

Head-Silber, See *Head-pence*.

Healfang, Is compounded of two Saxon words, viz. *Half*, i. *Collum*, and *Fang*, capere: It is that punishment quæ alicui collum stringatur. See *Pillory*.

Heath-Honey, See *Chimney-Money*.

Hebbermen. A sort of Pochers, or unlawful catchers of Fish on the River Thames. See *Stow. Survey of London*, p. 19.

Hetherthef. The privilege of having the Goods of a Thief, and the trial of him, within such a Liberty. In a Charter of *Edward the Confessor* to the

Abby of St. Edmund — *istae reſtituendae videt*
 Hamſokne, & Griſthbrech, & Forſſoll, & Ferdwite, &
 Hebbertheſ, & Fithwite — Cartular. S. Edmundi.
 M. S. f. 163.

Hebdomadius. The Weeks-Man, or Canon
 or Prebendary in a Cathedral Church, who had the
 peculiar care of the Quire, and the Offices of it for his
 own Week. — *Garniel Clifton electus in Decanatu Hereford*
5. Jul. 1529. Milo Ragon Prebendarius de Pre-
ſſen fuit tunc Hebdomadius Eoq; pretextu Capituli Pre-
ſidentis. — Regiſtram Caroli Bothe Episcopi Hereford.
M. S. penes Johannem Episc. Norwic.

Heda. A Hyth, or Port, a Wharf, or landing
 Place. As in this Charter of Adelida, wife of King
 Henry 1. — *Sciatis preſentes & futuri quod Ego Adel-*
ida dei gratia Anglorum Regina dedi Ecclesie Radinges
insequ; anno in Natali Domini centum ſolidos de heda
mea ad faciendum anniverſarium Domini mei Regis
Henrici, & volo & firmiter precipio quod ipſi ſint primi
centum ſolidi qui ſingulis annis exierint & haberi pote-
rint de predicta heda mea London Teſt. &c. Cartular.
de Radinges. M. S. f. 5. a.

Hedagium. Toll or Cuſtom paid at the Hiſh
 or Wharf, for landing Goods, &c. from which cuſ-
 tomary Duties, exemption was granted by the King to
 ſome particular Perſons and Societies. — *Sintq;*
Abbas & Monachi Radinge & homines eorum & res ip-
ſorum quieti de hedagiis & thelonis & omnibus exactioni-
bus & conſuetudinibus per totam Angliam. Cartular.
Abbatie de Radinges. M. S. f. 7. a.

Heck. Is the name of an Engine, to take Fiſh in the
 River of Oweſe by York, Anno 33 Hen. 8. 18.

Heda. A Haven or Port, Doomsday.

Heire, Heires, Though the word be borrowed of
 the Latine, yet it hath not altogether the ſame ſignifi-
 cation with us that it hath with the Civilians; for
 whereas they call *Heredes*, qui ex teſtamento ſuccedunt
 in univerſum jus Teſtatoris; The Common-Law calls
 him *Heir*, that ſucceeds by right of Blood in any mans
 Lands or Tenements in Fee; for by the Common-Law
 nothing paſſeth *jure hereditatis*, but only Fee; Move-
 ables, or Chattels immovable, are given by Teſtament
 to whom the Teſtator liſeth, or elſe are at the diſpo-
 ſition of the Ordinary, to be diſtributed as he in con-
 ſcience thinketh meet. *Cassanovus in conſuetud. Burg.*
pag. 909. hath a diſtinction of heires, which, in ſome
ſort, accordeth well with our Law; for he ſaith, There
is Heires ſanguinis & hereditatis. And a Man may be
Heires ſanguinis with us, that is, Heir apparent to his
Father or Anceſtor; and yet may, upon diſpleaſure,
be defeated of his Inheritance, or at leaſt the greateſt
part of it. Every heir having Lands by deſcent, is
bound by the binding acts of his Anceſtors, if he be
named, Qui ſentis commodum, ſentire debet & amur, Co.
on Lit. fol. 7, 8.

Laſt-heir. See *Laſt*.

Heire-loome, Scemeth to be compounded of *Heir*
 and *Loome*, that is, a Frame to weave in; the word by
 Time hath a more general ſignification than at firſt it
 did bear, comprehending all Implements of Houſehold,
 as Tables, Preſſes, Cupboards, Bedſteds, Wainſcot,
 and ſuch like; which, by the Cuſtom of ſome Coun-
 tries, having belonged to a Houſe certain deſcents, are
 never inventoried after the deceaſe of the Owner as
 Chattels, but accrue to the *Heir* with the Houſe it ſell
 by Cuſtom. *Spelman ſays of it, Omne uſenſile robuſtius*
quod ab aſibus non facile revellitur, ideoq; ex more quorundam
locorum ad heredem tranſit, tanquam membrum
hereditatis. And Co. on Lit. fol. 18. ſays, Conſuetudo
Hundredi de Stretford in Com. Oxon. eſt quod heredes
tenementorum infra Hundredum pradictum exiſtent. poſt
mortem antecelſorum ſuorum habebunt, &c. Principali-

um, Anglice an Heyre-loome, viz. de quodam genere
catallorum, uſenſilium, &c. optimum planſtrum, optimam
carucam, optimum cibum, &c.

Heinfare alias *Hinefarr*, Diſceſſo ſumuli a *Domus*.
 The word is compounded of *Hine*, a Servant, and
Fare, and old Engliſh word ſignifying a Paſſage.

Hebberman, One that fiſhes below *London-Bridge*
 for Whittings, Smelts, &c. commonly at *Ebbing-water*,
 and therefore ſo called, mentioned in the Articles for
 the *Thames Fury*, printed 1632.

Hebbing-Claces, They are mentioned in the Stat.
 23 H. 8. cap. 5.

Heigra. The Mahometan *Era*, or Computa-
 tion of Time, beginning from the flight of *Mahomer*
 from *Rome*, which was July 16. Anno Chriſti. 622.

Heita, *Servitium*, Inter *placita de temp. Jo. Regis*
Northampton 50.

Helin. Thatch or Straw. Inter *antiquas con-*
ſuetudines Abbatie de S. Edmundo — in villa de Herd-
wyke — Cuſtumaris triturator & mandabit pro quolibet
opere dimidium ſummam de quolibet genere bladi
per meſuram grangiarum — & habebit in reſceſſu ſuo
quando triturat ad grangias ad quolibet opus quantum
poſſit ſemel colligere de ſoragio tunc triturato cum raſſelle
& dicitur helin. Ex Cartular. S. Edmundi. M. S. f.
321.

Helowe-wall. The *Hell walls*, or *End-wall*,
 that covers and defends the reſt of the Building. From
Sax. Helan, to cover or heal, whence a Thatcher, or
 Slater, or Tiler, who covers the Roof of a Houſe, is
 in the Weſtern parts called a *Hellier*. — In ſalutis
 eidem Domine pro quodam *Helowe-wall* unius domus apud
Curthyngham annuatim 11. den. Paroch. Antiquit. p.
573. The Hollen in the North is a Wall ſet before
dwelling Houſes to ſecure the Family from the blaſts
of Wind ruſhing in when the heck or door is open:
to which moſt on that ſide next the Hearth or Chim-
ney is affixt a Screen of Wood or Stone. See Mr.
Kennett's Gloſſary.

Hem. The Ovens wherein the *Lapis Cal-*
aminaris, or *Calamine* is bakt, have a Hearth made on
 one ſide of the Oven, divided from the Oven it ſelf by
 a Partition open at the top, by which the flame paſſes
 over, and ſo heats and bakes the *Calamine*. This par-
 tition is call'd the *Hem* in *Somerſhire*.

Hened-peny. In a Charter of *Edw. 3.* con-
 firming many privileges to the Priory of *Pulton 27.*
Edw. 3. — quieti ſint de — ſingeldis, hornegeldis, &
penygeldis, & Thenedrypeny, Hundredſpeny, & de Miſ-
kennyng, & de chevagio, & hened-peny, & Bucſtall, &
triftris. — Mon. Angl. tom. 2. p. 327. a. Du Freſne
thinks it may be Hen-peny, gallinagium, or a Compo-
ſition for Eggs. But poſſibly it is miſprinted Hened-peny
for Hened-peny, or Head-Peny.

Henchman or *Heinſman*, A German word, ſigni-
 fying *Domesticum*, aut *unum de familia*; It is uſed with
 us for one that runneth on foot, attending upon a Man
 of Honor, 3 E. 4. 5. 24 H. 8. 13. It is written *Hen-*
man, 6 H. 8. 1.

Henfare, An *Amerciamen* for flight for Murder:
Doomſday.

Henghen. A Priſon, or Houſe of Correſtion, *Si*
quis amicis deſtitutus, vel alienigena, ad tantum laborem
veniat, in prima accusatione ponatur in Henghen, &c.
Leg. Hen. 1. cap. 65.

Hengwite, Significat *quietantiam miſericordia de*
Latrene ſuſpenſa abſq; conſideratione, Fleta, lib. 1. cap.
47. See Hankwit.

Hentward, A Duty to the King in *Cambridge ſhire*
Doomſday.

Heordpeni. *Hearth peny*, *Romeſcot*, — *Omnis*
heordpeni reddat ad Feſtam S. Petri, & qui non per-
ſolverit,

salverit ad terminum illum deferat eum Roma. Leges Edgari Regis. cap. 5. apud Bromtonum.

Herald, Heralt or Harold. Italian *Heraldo*, French *Heraute*, quæ herus alius. *Vesfegan* thinks it may be derived from two Dutch words, viz. *Here*, exercitus, and *Healt*, pugil magnanimus: As if he should be called *The Champion of the Army*. With us it signifieth an Officer at Arms, whose business is to denounce War, to proclaim Peace, or otherwise be employed by the King in Martial Messages, or other business: The Romans called them *Plurally Feciales*. *Polydore, lib. 19.* describes them thus, *Habent insuper Apparitores miniftras, quos Heraldos dicunt, quarum prefectus Armorum Rex vocatur, hii belli & pacis nuntii ducibus, Comitibusq; a Rege factis insignia aptant ac eorum funera curant.* Nay more, They are the Judges and Examiners of Gentlemen's Arms, marshal all the Solemnities at the Coronations of Princes, manage Combates, and such like: There is one and the same use of them with us and the French, whence we have their Name; and what their Office is with them, see *Lupanus, lib. 1. de Magistr. Francor. cap. Herald.* There be divers of them with us, whereof three being the chief, are called *Kings at Arms*. And of them *Garter* is the principal, instituted and created by *Henry the Fifth, Stowes Annals, pag. 584.* whose Office is to attend Knights of the *Garter* at their Solemnities, and to marshal the Funerals of all the greater Nobility; as Princes, Dukes, Marquesses, Earls, Viscounts and Barons. And in *Plowden, in Reniger and Fogassa's Case*, we read that *Edward the Fourth* granted the Office of King of *Heralds* to one *Garter*, *Cum feudis & proficiis ab antiquo, &c. fol. 12.* The next is *Clarentius*, Ordained by *Edward the Fourth*, for he attaining the Dukedom of *Clarence*, by the death of his Brother *George*, whom he beheaded for aspiring to the Crown, made the *Herald*, which properly belonged to the Duke of *Clarence*, a King at Arms, and called him *Clarentius*: His proper Office is to marshal and dispose the Funerals of all the lesser Nobility, as Knights and Esquires through the Realm, on the South-side of *Trent*. The third is *Norroy*, or *North-roy*, whose Office is the same on the North-side of *Trent*: that *Clarentius* hath on this side, as may well appear by his Name, signifying the Northern King, or King of the North-parts. Besides these, there be six other properly called *Heralds*, according to their Original, as they were created to attend Dukes, &c. in Martial Expeditions, viz. *York, Lancaster, Somerset, Richmond, Chester and Windsor*. Lastly, There be four other called *Marshals*, or *Pursuivants at Arms*, reckon'd after a sort in the number of *Heralds*, and do commonly succeed in the place of the *Heralds*, when they die, or be preferred; And those be *Blue-manile, Rouge-cross, Rouge-dragon* and *Portecullis*. The *Feciales* among the Romans were Priests, Nam *Numa Pompilius* divinit cultus institutionem in octo partes divisit, & ita etiam sacerdotum octo ordines constituit, &c. Septimam partem sacra constitutionem collegio eorum adiecit, qui *Feciales* vocantur: Erant autem ex optimis domibus, viri electi, &c. quorum partes in eo versabantur, ut fidei publica inter populos præessent, neq; justum aliquod bellum fore censebatur, nisi id per *Feciales* esset indictum, *Corselius Miscel. juris civilis, lib. 1. cap. 16. num. 12.* Kings at Arms are mentioned in *Stat. 14 Car. 2. 33.* Of these, see more in *Spelman's Glossary*.

Herbage, Harbagium, Signifies the Fruit of the Earth, produced by Nature for the bite or mouth of the Cattel. But is most commonly used for a Liberty that a Man hath to feed his Cattel in another Man's Ground, as in the Forest, &c. *Comp. Jur. fol. 197.* Occurrit frequens pro jure depascendi alienum solum ut in Forestis, says the learned *Spelman*.

Herbagium anterius. The first crop of Grass or Hay in opposition to. *After-Math* and second Cutting. — *Dicunt quod est communis via, & sua communis pastura, quam foenum & anterius herbagium amoveantur.* *Antiq. Parochial. p. 459.*

Herbigare, Herebigare. To harbour, to entertain, from *Heribergum, Heriberga.* Sax. *here-berg*, a House of Entertainment. — *Ballivi præcepunt civibus sufficientiam domorum ad herbigrandum & ad hospitandum populum — in anno Jubileo apud Cantuariam 1420.* *Sommers Antiquit. p. 248.* Hence our *Herbinger*, or *Harbinger*, who provides Harbour or Housetroom, &c.

Herbenger. From the French *Herberger*, that is, *Hospitio accipere*, signifieth an Officer in the King's House, that allottereth the Noblemen, and those of the Household their Lodgings, *Kitchen, fol. 176.* uses it for an Inn-Keeper.

Herciebant, From the French *Hercer*, to Harrow, *Arabab & Herciebant ad curiam Domini*, that is, they did plough and harrow at the Mannor of the Lord, *4. Inst. fol. 270.*

Herdmerch, Herdwerch, Herdsman's Work, or customary Labours done by the Shepherds, Herdsmen, and other inferior Tenants at the Will of their Lord. — *Cum autem in bosci nostris aliqua succiderimus, licet eis sine aliquo ferramento vel aliquo ustilio succibili intrare, & ranaia que de torvede remanserint, qua Anglice Spreu dicuntur, colligere. Hac squidem habent pro opere quod Anglice Herdwerch dicitur, pro quo in Autumno mutant per unamquamq; familiam aut dimidiam acram ordi aut virgatam & dimidiam frumenti, aut tantundem avenæ. — anno 1166. Regist. Ecclesie Christi. Cant. M. S.*

Hercumba, Herecumba. — *Tresdecem acras & dimidiam terra versus hercumbam de dominio meo — in hercumba de dominio meo xii. acras & dimidiam.* — *Cartular. Abbat. Glaston. M. S. f. 36. a.* It is in other parts of the same Chartulary call'd *Hercumba*, and *Hercumbalida*.

Hereditaments, Hereditamenta, Signify all such things immovable, be they corporeal or incorporeal, as a Man may have to himself, and his heirs, by way of Inheritance. See *32 H. 8. cap. 2.* or not being otherwise bequeathed, do naturally, and of Course descend to him which is next heir of Blood, and fall not within the compass of an Executor or Administrator as Chateaux do. It is a word of large extent, and much used in Conveyances; for by the grant of *Hereditaments*, *Illes*, *Seigniories*, *Mannors*, *Houses* and *Land*s of all sorts, *Charters*, *Rents*, *Services*, *Advowsons*, *Commons*, and whatever may be inherited, will pass, *Co. on Lit. fol. 6.* *Hereditamentum est omne quod jure hereditario ad heredem transeat.*

Heresare, Is a going in a Military expedition, a going to a Warfare. See *Subsidy*.

Herregear, See *Harior*.

Herregeld, Is a Tribute or Tax levied for the Maintenance of an Army. See *Subsidy*.

Herior, See *Harior*.

Herellus. A sort of little Fish, perhaps Minnows, or rather Gudgeons. — *Slathwere reddis tria millia anguillarum & unum mille ex herellis, & sunt xxviii. virgata tetra.* — *Chartular. Glaston. M. S. f. 39.*

Heredita or Heredita, Denotes a hired Souldier, that departs without Licence, derived from the Saxon *Here*, exercitus, and *Slizen*, to depart, according to *Co. 4. Inst. fol. 128.* Whom I rather incline to follow, than him who would in stead of *stiren*, to depart; put in *slizen*, scindere.

Heretico comburendo. Is a Writ that lies against a *Heretick*, who having been once convicted by the Bishop of *Heresie*, and having abjured it, after Relapses into the same, or some other, and is thereupon committed to the Secular Power. *Britton, lib. 1. cap. 17.* faith, that by the Common-Law, such as feloniously burn the Corn or Houses of others, Sorcerers and Sorceresses, Sodomitical persons and *Hereticks* should be burnt.

Heretum. A Court or Yard for drawing up the Guards or Military Retinue, which usually attended our Prelates and Nobility. — *Thomas Langley Episcopus Dunelmensis apud manerium de Houlton construxit totas portas occidentales opere cementario, per quas transierint ad heretum vel ponarium. Hist. Dunelm. apud Wharton Angl. Sac. Pars 1. p. 776.*

Heretochias. A Leader or Commander of military Forces: See at large the Name and Office in the Laws of Edward the Confessor. cap. 35. De *Heretochis.*

Hebdomas. A Week, derived from *ἑβδω*, seven; as *Septimana* from *septem*. *Julius Caesar* divided the Year into Twelve Months, each Month into four Weeks, and each Week into seven Days, according to the number of the seven Planets. See more of this matter at large, *Skene de verbis. Signif. verbo Hebdomas.*

Hering-silver. It seems to be a composition in Money, as an equivalent for the Custom of paying so many Herrings, for the Provision of a Religious House. — *Est quedam consuetudo in villa de Wylegh ubi vidani tenentes debent solvere quilibet pro reuementis suis hering-silver, scil. 1. den. ob Abbati de Colecestre. Placita Term. S. Trinit. 18 Edw. 1.*

Hernesium, Hernasium. From the Teuton. *Harnas.* English, *Harnes*. It signified any sort of Furniture of a House, Implements of Trade, or Rigging of a Ship. — *Mensa principalis ubi Archiepiscopi comedere solent adeo se capis subito excutere, quod herneium eorum totum, sellas scilicet, & clivellas, & cetera supposita ad terram cum magno fragore deiecerat. Girald. Camb. apud Wharton Angl. Sac. Pars 2. p. 425.* — *Unam largam portam ad cursum & cavellam & unam portam ad latitudinem ovis pedum ad summam & hernalia ducenda in venella inter domum, &c. Mr. Izaak's Antiquities of Exeter. p. 24.* — *Walterus Hobbe cepit quandam navem, & in predicta navi hernesia ad navem illam, spectantia ad valentiam centum solidorum. Placita Parliamenti, anno 22. Edw. 1.* It was an oversight in Sir Henry Spelman to write the word from *Fitzherbert fol. 94. Hervesium* instead of *Hernesium*: which made him unable to give any Explication of it.

Hermitage, Hermitagium. A solitary place, the recess or cell of a Hermit. See *Mon. Ang. 2. par. fol. 339.*

Hermitopium. Some Authors have confounded it with *Heremitagium*, but more rightly it may denote the Chappel, or place of Prayer belonging to a *Hermitage*; for so it is said in an old Charter, *Capellam sive Hermitopium.*

Hesperia, A Place of Immunity.
Hessa or Hessa. May be understood for a Capon, derived from the French *Hestoudeau*, a Capon: *Spelm. See Rufca.*

Hestorne. King *Arthelstone* in his return out of the North, after a Victory, went to *Beverley*, where he gave to God, &c. *Quasdam avenas, vulgaverit distas Hestorne percipientes de Dominis & Ecclesiis in illis partibus quas, &c. Mon. Ang. 2. par. fol. 367.*

Heylode. — *Rogerus Prior & Conventus Ecclesie Christi Cantuar. quistos clamant Magistrum & Fratres Hospitalis S. Marie de Ospreng & eorum Successo-*

res de consuetudinibus subscriptis videlicet de atura, de barewite, Risselver, Wadelade, Heylode Averselver, Lambelver, & tribus bussellis ordeii, quas consuetudines nobis fieri solent in curia nostra de Adesham. — dat. mense Febr. 1242. Registr. Ecclesie Christi Cantuar. M. S. penes Joh. Norwic. Episcopum. where *heyhode* seems to signify a customary Load or Burden laid upon the inferior Tenants for mending or repairing the ways or hedges.

Heymetus. A Net for catching Conies, a Hay or Hay-Net — *Omnia Placita de leporibus, rebus, heymetis, Testonibus, vulpibus, murilegis & perdiceibus, & omnia amerciamenta de Escapiis animalium — temp. Edw. III. — M. Blount.* who confesses his Ignorance of the meaning of *Heymetus.*

Heram. Was anciently a County of it self, and a Franchise, where the King's Writ went not; But by the Stat. 14. Eliz. 13. *Hexam* and *Hexamsire* shall be within the County of Northumberland. See 4. Inst. fol. 222. It was also of old a Bishoprick, and in Latine stiled *Episcopatus Hugnstaldensis.* See *Monast. Ang. 2. par. fol. 91.*

Hernseng. *Herns. Universis, &c. Willemus permittit divina Prior Elien. & Com. &c. Novitiss nos concessisse Willemo Seman — custodiam parci nostri de Stecheworth — cum prescio pantagis & avium vocat. Hernseng in dicto parco nidificantiam — satis nobis duodecem compellit de Hernseng & Dat. 1. Maij. Anno 19. Hen. 6. — Ex Cartular. Ecclesie Eliensis. penes Joh. Epum Norwic. M. S. f. 33.*

Heybote, Waybote. From Saxon *hay* a hedge, and *bote* repair or emendation. The Liberty granted to a Tenant for cutting so much underwood and Bushes within the Premises, as was necessary for mending and maintaining the Fences or Hedges. *John Fitz-Nigel, Forester of Bernwode had — in dominio hofei Domini Regis husebote & heybote pro custodia dictae forestae. — Parochial Antiquit. p. 209.*

Hide of Land, Hida terre. *Saxonice, Hydeland* is a certain quantity of Land, such as might be plowed with one Plough in a Year, *Termes de la Ley.* By others it is an hundred and twenty Acres: By *Beda*, who calls it *Familiam*; it is as much as will maintain a Family: Others hold it to be four yard Land. *Crompt. in his Jur. fol. 220.* says, It contains a hundred Acres, every Acre in length forty Perches, and in breadth four, every Perch sixteen foot and a half. And again, *fol. 222.* a *hide of Land* contains a hundred Acres, and eight *hides*, or eight hundred Acres makes a Knight's Fee. But *Co. on Lit. fol. 69.* says, That a Knight's Fee, a *hide*, or Plough-land, a Yard land, or Oxsang of Land, contain no certain number of Acres. The distribution of England by *hides of Land* is very ancient, mention being made thereof in the Laws of King *Ina*, cap. 14. And *Henry the First*, to marry his Daughter to the Emperor, took of every *hide of Land* three Shillings, *Spelman.* And see *Camb. Brit. fol. 158.* and Mr. *Kennet's Glossary.*

Hide Lands, Sunt terra ad hidam seu teHum per. tinentes.

Hide & Cayne. *Old Nat. Brev. fol. 71. Co. lib. 4. Torringtons Case;* signifies arable Land. See *Co. on Lit. fol. 85.* Of old to gaine the Land, was as much as to till or manure it. See *Gainage.*

Hidage, Hidagium. Is an extraordinary Tax to be paid for every *hide of Land.* *Bracton, lib. 2. cap. 6.* writes thus of it, *Sunt etiam quasdam communes prestationes, qua servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex venerit, sicut sunt hidalgia, coragia & caruagia & alia plura de necessitate, & ex consensu communi tunc Regni intro-*

introducitur & que ad Dominum fendi non pertinent, &c. This was a frequent kind of taxing as well for provision of Armor, as payments of Money; but especially in the Reign of King *Ethelred*, who when the Danes landed at *Sandwich*, taxed all his Land by *hides*, so that every 310 *hides* of Land found one Ship armed, and every eight *hides* found one Jack and one Saddle for the defence of the Realm. And afterwards *William the Conqueror* took of every *hide* throughout *England* six Shillings. In the *Terms of the Law*, *Hidage* is taken to be quit of that Tax, which was also called *Hyde-gild*.

Hidell, 1 H. 7. cap. 5. Seemeth to signify a place of Protection, as a Sanctuary.

Hierloome. See *Heyreloome*.

Hiiis testibus. These words were anciently added in Deeds after the *In cuius rei testimonium*, and written with the same hand as the Deed, which Witnesses were called, the Deed read, and then their Names entered: And this Clause of *hiiis testibus* in Subjects Deeds continued till the Reign of *Hen. 8.* but now is quite left off, *Co. on Lit. fol. 6.*

Hine, A Servant, or one of the Family, but more properly a Servant at Husbandry; and the Master *hine* is he that Oversees the rest, 12 R. 2. 4.

Hinefarr. See *Hinefare*, *Si quis occidit hominem Regis et facit heinfarrum, dat Regi xx s. &c. Doomsday*, tit. *Arcafeld*.

Hine-geld. Significat quietantiam transgressionis illata in servum transgredientem.

Hirc ciscunda. The division of an Inheritance among the heirs, *Goldm. dist. Alho Hirciscunda*. See *Act on mixt*.

Hird, *Domestica familia*, *Inter pla. Trin. 12. E. 2. Ebor. 48. M. S.*

Hirh. See *Hirh*.

Hirh, or *Hurh*, A little Wood. See *Doomsday*.

Hoard-men. An ancient gild or fraternity at *New castle upon Tyne*, who dealt in Sea-coal, mention'd *Star. 21. Jac. 1. cap. 3.*

Hoblers, *Hobellarii*. These were Souldiers lightly armed, and ordinarily horfed, but ready for any quick motion; so that we may not improperly call them *light horse men*: But afterwards they were Men that, by their Tenure, were tyed to maintain a little light Nag, for the certifying of any Invasion made by Enemies, or such like peril towards the Sea-side; as *Portsmouth*, of whom you may read 18 E. 3. Stat. 2. cap. 7. and 25 E. 3. Stat. 5. cap. 8. and *Camb. Brit. 272. &c.*

Hoccus salis. It seems to be a *hoke*, hole, or lesser pit of Salt. — *In mich habuit Rex Edwardus domum xi. & in v. platris habebat Rex E. suam parrem. In reprim puto Liv. salina & ii. hocci reddunt vi. fol. & viii. denar. In alio puto Hesperis xvii. salina. In tertio puto Midelmic xii. salina et ii. partes de i. hocco reddebant vi. solidos et viii. denarios. — Ex Libro, Doomsday. Worcestershire.*

Hock-tuesday-morng. Was a Duty given to the Land-lord, that his Tenents and Bond-men might solemnise that day on which the English master'd the Danes, being the second Tuesday after Easter week. See *Mr. Phillips's Mistaken Recompence*, fol. 39.

Hocketor, or *Hotquetteur*. Is an old French word for a Knight of the Post, a decayed Man, 3. par. *Inst. fol. 175. Qui nul enquerelant ne respoinant soit surpris ne cheson per Hocketours, parent que la veritie ne soit ensue, Stat. Ragman.*

Hogenhine. (But more rightly *Third-night awn bine*.) Is he that comes Guestwise to an Inn or House, and lies there the third Night, after which he is accounted of his Family in whose House he lyeth; and if he offend the King's Peace, his Host must be an-

swerable for him, *Bracton, lib. 3. tract. 2. cap. 10.* In the Laws of King *Edward*, set forth by *Lambert*, he is call'd *Agenehine*, where you may read more of this matter. Vide *Third-night-awn bine*.

Hogs-head. Is a measure of Wine or Oyl, containing the fourth part of a Tun or 63 Gallons, *Anno 1 R. 3. cap. 12.*

Hoggus, *Hogietus*. A Hog or Swine, beyond the growth of a Pig. — *Porcelli primo compoto postquam nati sunt vocantur; secundo compoto Hoggi vocantur. Regula Compoti domus de Farendon. M. S. — solvent eodem die pro porco superannuo unum denarium, et pro hogietto dimidii anni unum obolum. Cartular. Radinges M. S. f. 221. a.*

Hoggarius, *Hoggaster*. A Sheep of the second Year. — *Agni primo compoto postquam nati sunt Agni vocantur secundo anno Hoggastri. Et conjunguntur multones cum multonibus, et hurtardi cum hurtardis, et semelle cum ovibus. Regula Compoti domus de Farendon. M. S. — Centum oves pascantur scilicet multones cum multonibus, matricibus cum matricibus, hogacii cum hogaciis. Cartular. Abbat. Glaston. M. S. f. 48. a. And indeed in many, especially the Northern parts of *England* Sheep, after they lose the name of Lambs, are called *Hogs*, as in *Kent Tagn*.*

Holstings. See *Hastings*.

Hokeday, Otherwise called *Hock-tuesday*, or *Hock-tide*, was the second Tuesday after Easter week. In *Monast. Ang. part. 2. fol. 550.* It is said, *Inter alia — senescallus Cur. de la Helt habebit de celerario quinq; albos panes, &c. Et ad le Hokeday totidem. See Hock-tuesday-money.*

Holme, *Hulmus*. An Isle or Fenny-Ground, according to *Beda* and *Doomsday*, sometimes found in ancient Deeds and Records, *Co. on Lit. fol. 5.* and, as it seems, in a different signification, in *Mon. Ang. 2. par. fol. 292. Cum duobus holmis in campis de Wedone.*

Holt. A Wood or Grove, a Saxon Word: to which *Holborn* in *London* owes its Name. — *Johannes Hotbam Episcopus Eliensis anno 1320. perquisivit ad augmentationem Prioratus — Barkeres cum quodam Alneto vocato Lyth-gates-Holt. Hitor. Elien. apud Whartoni Angl. Sacr. Part. 1. p. 643.*

Homage, *Homagium*. Probably derived from *homo*, because when the Tenant does this Service to his Lord, he says, *I become your man*; It is also called *Marbood*, *Co. on Lit. fol. 64.* The French word imports as much as *fides clientelaris*; for in the original Grants of Lands and Tenements by way of Fee, the Lord did not only eye his Tenants to certain Services, but also took a Submission, with Promise and Oath, to be true and loyal to him as their Lord and Benefactor. This Submission was and is called *Homage*, the form whereof you have in the second Statute 17 E. 2. in these words, "When a Free-man shall do Homage to his Lord, of whom he holdeth in chief, he shall hold his Hands together between the Hands of his Lord, and shall say thus, *I become your Man from this Day forth for Life, for member, and for worldly honor, and shall owe you my Faith for the Land I held of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords.* And in this manner the Lord of the Fee, for which *homage* is due, taketh *homage* of every Tenant as he cometh to the Land or Fee, *Glanvil, lib. 9. cap. 1.* except they be Women, who perform not *homage*, but by their Husbands: yet *Fitzherbert* in his *Nat. Brev. fol. 157.* saith the contrary. Read *Glanvil* more at large of this in the said First, and also the second, third and fourth. The reason of this, *Skene giweth de verb.* Signifi. *verbo* *Homagium*, because *Homage* specially concerneth Service in War. He saith also, That consecrated Bishops do no *homage*, but only Fealty

Fealty; and yet we find the Archbishop of Canterbury do homage on his knees to our Kings at their Coronation; and it hath been held, that the Bishop of Sodor, in the 1st of *Man*, is Homager to the Earl of Derby. And in the *Reg. Orig. fol. 296.* that a Woman taking Livery of Lands holden by Knights-service, must do homage, &c. Concerning the homage of consecrated Bishops, read *Fulbecke, fol. 20.* in these words. By our Law a Religious Man may do homage, but may not say to his Lord *Ego devenio homo vester*, because he hath professed himself to be only God's man; But he may say, *I do unto you homage, and to you shall be faithful and loyal.* See of this Britton cap. 68. Homage is either new with the Fee, or Ancestrel, that is, where a Man and his Ancestors, time out of Mind, have held their Lands by homage to their Lord, whereby the Lord is tyed to warrant the Land unto his Tenant. This homage is used in other Countries as well as Ours, and was wont to be called *hominium*. See *Hotoman de verbis feudatilibus, verbo Homo.* Skene divided it into *Ligeum & non ligeum, de verbor. Signif. verbo Homage;* for the which see *Leige and Hotoman, disputatione de feudis tertio.* Homage is sometimes used for the Jury in a Court-Baron, *Smith de Rep. Ang. lib. 2. cap. 27.* The reason is because it consisteth most commonly of such as owe homage unto the Lord of the Fee; And these, by the Feudists, are called *Pares Curie*. Of this homage you may read in the 29. Chapter of the *Grand Customary of Normandy*, and others not used by us. See further in *Hotoman Disputat. de feudis, pag. 861.* Of homage in Scotland read *Skene de verbis. Signif. tit. Homagium*, to whom you may also add a large Discourse in *speculo Dnandi*, commonly called *Speculator* among the Civilians, tit. *De feudis*. The Steward of the Lord may take Fealty, but not Homage. See the Stat. 12 Car. 2. cap. 24.

Homage Ancestrel, Is, where a Man and his Ancestors, time out of Mind, held their Land of their Lord and his Ancestors by homage. And if such Lord have received homage, he is bound to acquit the Tenant against all other Lords above him of every manner of Service, and if the Tenant hath done homage to his Lord, and is impleaded, and vouches the Lord to warranty, the Lord is bound to warrant him; and if the Tenant lose, he shall recover in value against the Lord so much of the Lands as he had at that time of the Voucher, or any time after. To this effect *Littleton*; upon which *Coke* says, In his example here put, There must be a double Prescription both in the Blood of the Lord and the Tenant; and therefore, I think, there is little or no Land at all at this Day holden by homage Ancestrel. Yet (as one avers) in the Mannor of *Whitney* in *Herefordshire*, whose Lord is of the same Name, and the Family has continued there many Ages, is one *Wist* a Tenant, who can prescribe to hold his Land of *Thomas Whitney Esq;* the present Lord, by homage Ancestrel.

Homager, One that does, or is bound to do homage: As the Bishop of Sodor, in the 1st of *Man* is said to be Homager to the Earl of Derby. See *Homage*.

Homagium reddere. To renounce Homage, when the Vassal made a solemn Declaration of disowning and defying his Lord. For which, there was a set form and method prescribed by the feudatory Laws. — *Item reddere poterit Domino suo homagium suum, simul cum tenemento, propter capitales inimicitias, ut liberius profiquatur Appellum suum, & sic dissolvitur homagium.* *Bracton, lib. 2. cap. 35. feli. 35.* This is the meaning of that Passage in *Richardus Hugobaldensis de bello Standard. p. 321.* *Itaque Robertus reddidit homagium quod ei fecerat — ad suos socios reversus est.* And of *Matthew Paris* sub anno 1188. *tunc Rex Anglorum Regi Francorum fecit homagium, quia in principio hujus guerra homagium suum reddiderat Regi Francia.*

Homagio respectuando, Is a Writ directed to the Escheator; commanding him to deliver Seisin of Lands to the heir that is of full Age, notwithstanding his homage not done, which ought to be performed before the heir have Livery, or his Lands, except there fall out some reasonable cause to hinder it, *F.N.B. fol. 269.*

Home-oken, But more truly *Ham-foken* and *Ham-foca*, (for the derivation, see *Hamfoken*) Is by *Bract. lib. 3. tract. 2. cap. 23.* thus defined, *Homifoken dicitur invasio domus contra pacem Domini Regis.* It appeareth by *Rastal* in the Title, *Expositiones of words*, That in ancient times some Men had immunity to do this; for he defineth *Homefoken* to be an Immunity from Amercement, for entering into Houses violently, and without Licence; which seemeth to be altogether unreasonable, I rather believe it should be a Power granted by the King to some person, for the punishment of such a Transgression. *Si quis Hamfocam violaverit, jure Anglorum Regi emendet, 5. Libr. Leg. Canuti, cap. 39.* See *Hamfoken*.

Homicide, *Homicidium*, Is the killing of a Man, and it is divided into *voluntary* and *casual*: *Homicide voluntarium* is that which is deliberate, and committed of a set-mind, and purpose to kill; and this is either with precedent Malice, or without: The former is Murder, and is a felonious killing through Malice premeditated of any Person living in this Realm, under the King's Protection, *West. part 2. Symbol. tit. Indictments, feli. 37. Sec. 49; 51.* Where you may see divers subdivisions of this matter. See also *Glanvil, lib. 14. cap. 3. Bract. lib. 3. tract. 2. cap. 4. 15. & 17. Britton, cap. 5. 6, 7.* See *Murder, Manslaughter* and *Chancemurder*.

Homine eligendo ad custodiendam pecuniam sigillorum mercatoribus adiri, Is a Writ directed to a Corporation, for the choice of a new Man to keep the one part of the Seal, appointed for *Statutes-Merchant*, when the other is dead, according to the Statute of *Alison Burnel, Reg. Orig. fol. 178.*

Homine replegiando, Is a Writ to bail a Man out of Prison; In what Cases it lies, see *F.N.B. fol. 6. Reg. Orig. fol. 77.* and the *New Book of Entries, verbo Homine replegiando*.

Homine capto in Withernamium, Is a Writ to take him, that hath taken any Bondman or Woman, and led him or her out of the Country, so that he or she cannot be replevied according to Law, *Reg. Orig. fol. 79.* See also *Withernam*.

Homines, A sort of feudatory Tenants. They claim'd a privilege of having their Causes and Persons tried only in the Court of their Lord. When *Gerard de Camvil* in 5. Ric. 1. was charg'd with Treason and other high Misdemeanors, he pleaded, that he was *Homo Comitum Johannis*, and would stand to the Law or Justice of his Court. *Parochial Antiquit. p. 152.*

Hominiatio, *Doomsday. Idem quod Homagium*, *Spel. Gloss. verb. Hominiatio.*

Homstale. A Home-Stall, or Mansion-House. As in a Charter granted about the 5 of Edm. 1. — *De di tres oblat redditus — quos Henricus Mattheus confuevit annuatim solvere de uno itinere dicto Abbati & Conventui, quod iter jacet juxta domum Alai Sarrisse, & dicitur versus Homstale.* — *Cantuar. Radiges. M. S. f. 39. b.*

Handhabend, A derivative from the Saxon *Hand*, that is, a hand, and *habent*, having; and signifies a circumstance of manifest theft, when one is apprehended with the things stolen in his hand, *Bract. lib. 3. tract. 2. cap. 31. & 54.* who also uses *Handbrand* for the same, *ibid. cap. 8.*

Hond-peny, *Sint quieti de cheungio*, *Hond-peny*, &c. *Privileg. de Semplingham*. But there is no Declaration made, what is intended by it, *Ideo Quære*.

Honor, *Honor*, Is, beside the general signification, used more especially for the nobler sort of Seigniories, whereupon other inferior Lordships and Mannors do depend, by performance of Customs and Services to those that are Lords over them: And it seems that none were *Honors* originally, but such as belonged to the King, though afterwards given in Fee to Noblemen. The manner of creating these *Honors*, may in part be collected out of the Statutes 34 H. 8. 5. where *Hampton-Court* is made an *Honor*. And 32 H. 8. cap. 37. 38. whereby *Amphib* and *Grafton* be also made *Honors*. And 37 H. 8. cap. 18. whereby the King hath Power given by his Letters Patent, to erect four several *Honors*, of *Westminster*, of *Kingston upon Hull*, *St. Osith* in *Essex*, and *Dudington* in *Berk-shire*: This word is used in the same signification in other Nations. In reading, I have observed divers other *honors* in *England*, of *Aquila*, *Camd. Brit. 231*. Of *Clare* *Idem. 351*. Of *Lancaster*, *Idem. 381*. Of *Tick-hill*, *ibid.* Of *Wallingford*, *Nottingham*, *Balsize*, *Magna Charta*, cap. 31. Of *West-Greenwich*, *Camd. pag. 239*. Of *Bedford*, *Pupilla oculi*, part 5. cap. 22. Of *Barkhamsted*, *Bro. tit. Tenure*, num. 16. *Wittam*, *Camd. pag. 333*. Of *Plimpton*, *Crompt. Jur. fol. 115*. Of *Creweville* and *Haganet fobert*, 32 H. 8. 48. Of *East-Greenwich* in *Kent*, *Windsor*, in *Berk-shire*, and *Beaulieu* in *Essex*, 37 H. 8. 88. Of *Powere* in the County of *Lincoln*, *Reg. Orig. fol. 1*. besides many other, which we think not fit to name. See *Bakers Chronicle*, fol. 117. *Inquis. 10 Edw. 2. Co. 4. Inst. fol. 224*. &c.

Honour Courts, Are Courts held within the *Honors* aforesaid, mentioned 32 H. 8. 37. and 37 H. 8. 18.

Honorary Servitors, Are such as are incident to *Grand Sergeanty*, and annexed commonly to some *Honor*. See 12 Car. 2. cap. 29.

Hontfangenethes, This should rather have been written *Hontfangenethes*, and signifies a *Thief* taken with *Hond-habend*, that is, 'having the thing stolen in his Hand.

Hora Aurora, The Day Bell, or Morning Bell, or what we now call the Four a Clock Bell, was call'd *Hora Aurora*, as our Eight a Clock Bell, or the Bell in the Evening, was their *Ignitegium* or Coverfeu. See *Savage Balliofergus*. p. 39.

Hornebeame Hollengers, Are Trees so called, that have been usually lopped, and are about twenty years growth, and therefore not tythable, *Plowden*, fol. 407. *Subj's Case*.

Hornegeld, (Is a Compound from the Saxon word *Horn*, *cornu*, and *geld*, *solutio*, signifying a Tax within a Forest, to be paid for horned Beasts, *Crompt. Jurisid. 197*. And to be free thereof, is a privilege granted by the King unto such as he thinketh good, *Idem ibid.* & *Rassall* in his *Exposition of Words*, *Quietum esse de omni collectione in Foresta de bestiis cornutis assesse*. 4. *Inst. fol. 369*. Et sint quieti de omnibus Geldis, & Danegeldis, & Vol-geldis, & Sen-geldis, & Horn-geldis, &c. *Diploma*, H. 3. *Cononiciis* & *Montalibus* de *Semplingham*. See *Subsidy*.

Horn with Horn, The promiscuous feeding of Bulls and Cows, or all horned Beasts, that are allowed to run together upon the same Common. As in the Constitutions of *Robert Bishop of Durham*, 1276. *Similiter de decimis qua de vaccis proveniunt Statuendum duximus, quod ubicunque fuerit receptaculum earum licet in vicinis parochiis, Horn with Horn, secundum Anglicam linguam pascua querant, illi remaneant tota decima, ubi fuerit domicilium & remanentia*. *Spelman*, to which I need only add, that the commoning of Cattle *Horn with Horn*, was properly when the Inhabitants

of several Parishes let their common Herds run upon the same open spacious Common, (as now suppose on *Ormore*) that lay within the Bounds of several Parishes; and therefore that there might be no Dispute upon the right of Tyths, the Bishop ordains, that the Cows should pay all profit to the Minister of the Parish where the Owner lived, &c.

Hors de son fer, Is an Exception to avoid an Action brought for Rent, issuing out of certain Land by him that pretendeth to be the Lord, or for some Customs and Services; for if he can justify that the Land is without the compass of his fee, the Action falls. *Vide broke, hoc titulo*. See *Distress*.

Hospitallers, *Hospitalarii*, were the Knights of a Religious Order, so called, because they built an Hospital at *Jerusalem*, wherein Pilgrims were received. To these Pope *Clement* the Fifth transferred the Templars, which Order, by a Council held at *Vienna* in *France*, he suppressed for their many and great Offences. The institution of their Order was first allowed by Pope *Gelasius* the Second, Anno 1118. and confirmed here by Parliament, and had many privileges granted them, as Immunities from payment of Tythes, &c. you shall find their Privileges reserved to them by *Magna Charta*, cap. 37. and you shall see the Right of the King's Subjects vindicated from the Usurpation of their Jurisdiction, by the Statute of *Westm.* 2. cap. 43. Their chief abode is now in *Malta*, an Island given them by the Emperour *Charles* the Fifth, after they were driven from *Rhodes* by *Solyman* the Magnificent Emperour of the Turks; and for that they are now called *Knights of Malta*. They are mentioned 13 E. 1. cap. 43. and 9 H. 3. cap. 37. *Tho. Walsingham* in *Hist. Ed. 2.* and *Stow's Annals*, *ibid.* All the Lands and Goods of these Knights here in *England* were given to the King, by 32 H. 8. cap. 34. See *Mon. Ang. 2. par. fol. 489*.

Hosptelagium, A right to receive Lodging and Entertainment reserv'd by many Lords in the Houses of their Tenants. — *Monachi Radinge habebant hosptelagium suum in pradicto messuagio cum Merlebergam venerint*. *Cartular. Radinges. M. S. f. 157*.

Horderium, A Hoard, a Treasure, a Spense, or Repository. As in the Laws of *King Canute*, cap. 104. — *Sed suum horderium quod dicere possumus Dispensam, & cistam suam, & trage, id est scrinium suum debet ipsa custodire*.

Horderesfeld. — *Nos H. Abbas de Niwenham & ejusdem loci Conventus remittimus — Abbati Glasston & Conventui — x. sol. de turno vicecom. & vi. sol. & viii. den. de quodam redditu qui vocatur Horderesfeld, unde placitavimus predictum Abbatem Glasston per Breve Domini Regis.* — *Cartular. Abbat. Glasston. M. S. f. 36*.

Hostler, *Hofstallarius*, Cometh of the French *Hofstler*, i. *Hofst*, and signifieth with us those that otherwise are called *Inn-keepers*, 9 E. 3. Stat. 2. cap. 11. We now usually term those that in the Stable look to the Guests Horses in an *Inn Hostlers*.

Hofstia, *Hofst*, Bread, consecrated Wafers in the holy Eucharist or *Hofst*. *Isabel Countess of Albermarle* confirm'd to the convent of *Burcester* five Quarters of Bread-Corn — *ad hostias faciendas in domo predicta*. *Parochial Antiquit. p. 270*. From this Latin *Hofstia* Mr. *Sommer* deduces the Saxon *Husel*, the Lord's Supper, and *Hustian* to administer that Sacrament: kept long in our old English, the *Houfel*, and to *houfel*. See Mr. *Kennett's Glossary*.

Hofstallaria, *Hofpitularia*, A Place or Room in Religious Houses, allotted to the use of receiving Guests and Strangers, for the care of which there was a peculiar Officer appointed, call'd *Hofstallarius*, and *Hofpitularius*. — *Nos Willelmus Prior Elgen. & ejusdem loci*.

laci Conventus ad rogatum — *Henrici sexti Regis concessimus Johanni Norys Armigero officium Botillarii in Hostillaria nostra Elyensi* — *Ex Cartular. Eccl. Elyen. M. S. f. 24*

Hoftricus, *Auftricus*, from Lat. *Astur*, a Goshawk. The manner of Broughton com. Oxon. in the Reign of Edw. II. was held by John Mauduit — *in capite per serjantiam mutandi usum hoftricum Domini Regis, vel illum hoftricum portandi ad curiam Domini Regis*. Paroch. Antiquities. p. 569.

Hotchpot, *In partem positio*, Is a word brought from the French *Hutspot*, among the Dutch it signifies flesh cut into pieces, and sodden with Herbs or Roots, not unlike that which the Romans call'd *Farraginem* — *Festus*. But *Littleton* saith, That literally it signifies a Pudding mixed of divers Ingredients, but by a Metaphor, signifyeth a Commixture, or putting together of Lands of several Tenures, for the equal division of them, fol. 55. For example. A man seized of thirty Acres of Land in Fee, hath issue two Daughters, and gives with one of his Daughters, to a Man that marries her, ten Acres of the same Land in *Frank-marriage*, and dies seized of the other twenty Acres. Now if she that is thus married will have any part of the twenty Acres whereof her Father died seized, she must put her Lands, given in *Frank-marriage*, in *Hotchpot*, that is, she must refuse to take the sole Profits of the Lands given in *Frank-marriage*, and suffer the Land to be commixt, and mingled together with the other Land whereof her Father died seized; so that an equal division may be made of the whole between her and her Sister, and thus for her ten Acres she shall have fifteen, else her Sister will have the whole twenty of which her Father died seized. See *Co. on Lit. lib. 3. cap. 12.* and *Britton*, fol. 119. There is also in the Civil Law *Collatio bonorum* answerable to this, whereby if a Child advanced by the Father, do after his Fathers decease challenge a Childs part with the rest, he must cast in all that formerly he had received, and then take out an equal share with the others.

Housebote, A compound of *house* and *bote*, i. *compensatio*, signifies *Estovers*, or an allowance of necessary Timber out of the Lord's Wood, for the repair and support of a *House* or Tenement. [And this belongs of common right to any Lessee for years or for life: But if he take more than is needful, he may be punished by an Action of Wast.] *Housebote* says *Co. on Lit. fol. 41.* Is two-fold, viz. *Estoverium adificandi & arandi*.

House-robbing or **House-breaking**, Is the robbing of a Man in some part of his *House*, or his Booth or Tent, in any Fair or Market, and the Owner, or his Wife, Children or Servants being within the same; for this is Felony by 23 H. 8. cap. 1. and 3 E. 6. cap. 9. And since it is made Felony, though none be within the House, Booth, or Stall, by 39 Eliz. 15. See *Burglary*, and *Wett*, part 2. *Symb. tit. Indictments*, sect. 67.

Hudegeld, Significat *quietantiam transgressionis illata in servum transgredientem*, *Fleta*, lib. 1. cap. 47. It may be thought in that place of *Fleta* to be misprinted for *Hine-geld*, which see, & *quare*.

Hopscromb, Signifies a Valley in *Doomsday Book*, so also do *Hope*, *Haugh* and *Hough*.

Hothas, A Service to the King in *Closhaw*, says *Doomsday*; but I think rather it should be written *Hathas*, because it is supposed a Military Service.

House, *Domus*, In a *House* four things are necessary, 1. *Habitatio hominis*. 2. *Delectatio inhabitantis*. 3. *Necessitas luminis*. 4. *Salubritas aeris*. For any hurt or hindrance to the first, third, and fourth of these an Action lyeth: For *Prohibetur ne quis faciat in suo, quod*

nocere possit alieno. The house of every Man is to him as his Castle and Fortrefs, as well for his defence against injury and violence, as for his repose; according to the Maxim, *Domus sua cuius est tutissimum refugium*. See *Co. 5. Rep. Smaimes Case*. The privilege that the Law gives to houses for the habitation of Men is great; for first, it ought to have the precedence in a *Præcipe quod reddat* before Lands, Meadows, Pastures, and Woods. Secondly, The house of a Man hath privilege to protect him against an Arrest, by force of a Process of the Law, at the Suit of the Subject, *Co. Rep. 11. Bowles Case*. Thirdly, Those that dig for *Salt-peter*, shall not dig in the *Mansion-house* of any Subject without his assent; for then he, nor his Wife, nor Children, cannot be in safety, nor his Goods preserved from Thieves. 4. He that kills a Man which will rob and spoil him in the house, shall forfeit nothing.

Hudegeld, When a Villain or Servant had committed any Trespass, for which he deserved whipping or corporal Punishment, when he bought off his Penalty with Money, the price of Exemption from such Chastisement was called *Hude-geld*, or *Hide-geld*, some fancy Money given to save his hide. See *Fleta lib. 1. cap. 47. sect. 20.*

Hue and Cry, *Hutesum & clamor*, Is derived of two French words *Huer* and *Crier*, both signifying to shout or cry aloud. *Manwood* in his *Forest-Law cap. 19. num. 11.* saith, That *Hue* is Latine, [*Ex vox dentis*, as signifying the Complaint of the Party,] and *Cry* is the pursuit of the Felon upon the High way upon that Complaint; for if the party robbed, or any in the Company of one robbed or murdered, come to the Constable of the next Town, and will him to raise the *Hue and Cry* [that is, make the Complaint known, and follow the Pursuit,] after the Offender, describing the Party, and shewing as near as he can which way he went; the Constable ought forthwith to call upon the Parish for Aid in seeking the Felon, and if he be not found there, then to give the next Constable notice, and the next, until the Offender be apprehended, or at least until he be thus pursued unto the Sea-side. Of this *Bracton*, lib. 3. tract. 2. cap. 5. *Smith de Rap. Anglor. lib. 2. cap. 20.* and the Stat. 13 E. 1. of *Winchester*, cap. 3. & 28 E. 3. 11. & 27 El. 13. The Normans had such a pursuit with a *Cry* after Offenders, which they call'd *Haro*, whereof you may read the *Grand Customary*, cap. 54. and it may probably be derived from *Havir*, *flagitare*. *Hue* is used alone, 4 E. 1. Stat. 2. This the Scots call *Hutesum*, and *Skene de verb.* Signif. verb. *Hutesum*, saith, It is deduced from the French *Oyer*, i. *Audire*, (or rather *Oyes*) being a *Cry* used before a Proclamation; The manner of their *Hue and Cry* he thus describeth, If a Robbery be done, a Horn is blown, and an Out-cry made, after which, if the Party fly away, and not yield himself to the King's Bayliff, he may be lawfully slain, and hanged upon the next Gallows. Of this *Hue and Cry*, see *Crompt. Just. of Peace*, fol. 160. and in *Ror. Claus.* 40 H. 3. m. 5. We find a Command to the King's Treasurer, to take the City of London into the King's Hand, because the Citizens did not secundum Legem & consuetudinem Regni raise the *Hue and Cry* for the death of Guido de Aretio, and others who were slain.

Huers. See *Condors*.

Huiffier. See *Usher*.

Hulme. See *Holme*.

Hulka, A Hulk, or small Vessel. — *Commisit cum eis & cepit tres caricas, & unum hulkum, & quatuor Calingarias*. *Tho. Walsingham*, p. 394.

Hullus, A Hill. — *Habendum & tenendum Disam pasturam in hullis & helmis*, i. e. in hills and dales. *Men. Angl. tom. 2. p. 292*.

Hundred, *Hundredum Centuria*, Is a part of a Shire properly so called, because it contained ten Tythings, called in Latine *Decennas*, either because at first there were a hundred Families in each Hundred, or else found the King a hundred able Men for his Wars. These were first Ordained by King *Alfred* the 29th King of the *West Saxons*, *Stow's Annal*, Pag. 105. Of these *Lambert* in his Explication of Saxon words, verbo *Centuria*, saith, *Aluredus Rex*, ubi cum *Guthruno Daco* fœdus inerat prudentissimum illud Olim a *Jeshrone Mosi* datum consilium, *Angliam* primum in *Satrapias Centurias & Decurias* partitus est. *Satrapiam*, Shire a *Schyran* (quod *partiri* significat) nominavit; *Centuriam* Hundred & *Decuriam*, Tything sive *Tienmantale*, i. *Decemvirale collegium* appellavit atq; iisdem nominibus vel hodie vocantur, &c. And again afterward, *Decrevit* cum porro *Aluredus*, libera ut conditionis quisq; in *centuriam* ascriberetur aliquam atq; in *Decemvirale* aliquod coniceretur collegium, &c. This form of dividing Counties into *Hundreds*, for better Governments, King *Alfred* had from Germany, where *Centa* or *Centena* is a Jurisdiction over a hundred Towns, and contains the punishment of Capital Crimes. Hence may be learnt the original and old use of *Hundreds*, which still keep the Name and remain in some sort the same, for their several Services in divers respects, but their Jurisdiction is transferred to the County Court, some few excepted, which have been by Privilege annexed to the Crown, or granted to some great Subject, and so remain still in the nature of a Franchise. And this has been ever since the Stat. 14 E. 3. Stat. 1. cap. 9. whereby these *Hundred Courts* formerly farmed out by the Sheriff to other men, were reduced all, or the most part, to the County-Court, and so remain at present, so that where you read now of any hundred Courts, you must know, that they be several Franchises, wherein the Sheriff hath not to deal by his ordinary Authority, unless they of the Hundred refuse to do their duty. See *West Symbol* part 1. lib. 2. sect. 283. See *Turne* in the *Termes of the Law*. This word *Hundredum* is said to be quit of Money or Customs due to the *Hundredors*.

Hundredors, *Hundredarii*, Are Men empannelled, or fit to be empannelled of a Jury upon a Controversie, dwelling in the Hundred where the Land in question lies, *Crompt. Jur.* fol. 287. and 35 H. 8. 6. It signifies also him that hath the Jurisdiction of a Hundred, and holdeth the hundred Court, 13 E. 1. cap. 38. 9 E. 2. Stat. 2. & 2 E. 3. cap. 4. and sometimes it is used for the Bailiff of an Hundred. *Hornes Mirror of Justices*, lib. 1. cap. del Offici del Coroner.

Hundred-Lagh, Signifies the hundred Court, from which all the Officers of the Kings Forest were by the Charter of King *Canutus* cap. 9. See *Manwood*, vide etiam *Warscot*.

Hundred-peny, Est autem pecunia quam subsidii causa vicicamer olim exigebat ex singulis Decuriis sui Comitatus, quas *Tetbingas* Saxones appellabant. Sic ex *Hundredis* Hundred-peny, *Spelm.* Pence of the hundred, *Camd.* Brit. fol. 223.

Hundred Setena, Et habent *Sakam & Socam*, on Strand & on streame, on Wode & on feld, *Grithbrice*, *Hundred-setena*, *Adas & Ordalas*, &c. *Carta Edgari Regis*, *Man. Glaston.* Anno 12 Rigni, *Mon. Ang.* 1 par. fol. 16. This word *Setena* in Composition signifies Inhabitants. **Hurrers**. The Cappers and Hat-Merchants, being called *Hurrers* were formerly one Company of the *Haberdashers*. *Stow. Survey of Lond.* p. 312.

Hurst, A little wood, *Doomsday*. See *Hirsh*.

Hurtardus, *Hurtus*. A Ram, or Weather, a male Sheep. Agni primo compoto postquam nuti sunt Agni vocantur, secundo anno *Hoggastri*, & conjunguntur *Multones* cum *Multonibus*, & *Hurtardi* cum *Hurtardis*, &

femelle cum *ovibus*. *Regulæ compoti domus de Farendon. M. S.* — *De multonibus* 381. de *hurtis & muricis* 207. De *hogris* 121. & de *agnis* 100. *Mon. Angl. tom. 2. p. 666.*

Hustarle, Is as much to say as *Houfecarle*, that is, a Domesticke or Menial Servant; the word is often found in *Doomsday*, where we find the Town of *Dorchester* paid to the use of *Houfecarles* one Mark of Silver. See *Karles*.

Hus & Hant, *Quidem H. P. captus per quereomoniam mercatorum Flandrie & imprisonatus esset Domino Regi* *Hus & Hant* in plegio ad standum recto & ad respondendum, &c. in curia Regis apud *Shepway*, *Pla. cur. Regis*, 27 H. 3. Rot. 9. Quere annon sit commune plegium sicut *Johannes Doe & Richardus Roe*. See 4. *Instit.* fol. 72.

Huseans, Of the French *Houveau*, i. ocrea, a kind of Boot, or somewhat made of course Cloth, and worn over the Stocking; a *Buskin*, or as the vulgar call it a *Spatterdash*.

Husebote, *Houfe bote*. From Saxon *hus* a House, and *bote* amends or repair. The liberty allow'd a Tenant to cut as much Timber and Wood upon the Premises, as was necessary for the support and repair of the Farm-house, and adjoining Buildings. See *Mr. Kennetts's Glossary*.

Hustafine, Is he that holdeth House and Land, *Bracton*, lib. 3. tract 2. cap. 10. hath these words, Et in Franco plegio esse debet omnis qui terram tenet & domum qui dicuntur *Hustafine*, & etiam alii, qui illis deserviant & dicuntur *Polgheres*, &c. Some have corruptly written it *Hurderefest* & *Hurdefest*, but more truly *Heordese*; which see in *Glosse in decem scriptor.*

Husgable. *Houfe Rent*. — Item tota illa terra, que est inter dictum *ulam* et *venellam*, que dicitur *Swinegale* — reddit *husgabulum*, aliter non geldabilis — item terra cum domibus quam *Johannes de Wipball* dat *husgabul*. alia domus non dat *husgabul*. nec aliter sunt geldabiles, ac credunt. *Mon. Angl. tom. 3. p. 254.*

Hustling people, The Parishioners of *Liominster*, in a Petition to King *Edward* the Sixth, set forth that in their Town there were to the number of 2000 *Hustling people*, &c. that is 2000 Communicants, for *Hustling* in the Saxon Tongue signifies the Holy Sacrament.

Hustings, *Hustingum*, Derived from *Hus Domus*, and *Thing*, *Causa*, is as much as *Domus causarum*, antiquissima et celeberrima *Londoniarum Civitatis curia* suprema, 11 H. 7. 21. F. N. B. fol. 23. 9 E. 1. cap. unico 10. Of this Antiquity, we find this mention in the Laws of King *Edward* the Confessor, Debet etiam in London que est caput Regni et Legum, semper curia Domini Regis singulis septimanis die *Lane Hustingis* sedere et teneri. Puncta enim erat olim et edificata ad instar et ad modum et in memoriam veteris magnæ *Troje* et usq; in bodiernum diem, *Liges et jura et dignitates, libertates, regiasq; consuetudines* antique magnæ *Troje*, in se continet — et consuetudines suas una semper inviolabilitate conservat. See *Taylor's Hist. Gavelkind*, pag. 55. This Court is held before the Lord Mayor and Aldermen of London; an Error or Attaint lies there of a Judgment, or false Verdict in the Sheriffs Court, as appears by F. N. B. fol. 23. Other Cities and Towns also have had a Court of the same Name, as *Winchester*, *Lincoln*, *York* and *Shepey*, and others, where the Barons or Citizens have a Record of such things as are determinable before them, *Flita*, lib. 2. cap. 55. Stat. 15. E. 2. cap. unico 4. *Instit.* fol. 247. and *Gloss. in decem scriptores* on this word.

Hutefium. A Hue and Cry. — Abbas et conventus usi sunt hiis libertatibus, scil. visum franciplegij, hutefium clamatum, et effusionem sanguinis. *Cartular. Abbat. Glaston. M. S. f. 87.*

Hypernagium. The Season for sowing Winter Corn, or Wheat and Rie between *Michaelmas* and

Christmas: as oppos'd to *tremagium* and *estivagium*, the Season for sowing Summer Corn in the Spring of the Year. The words were taken sometimes for the different Seasons, sometimes for the different Lands on which the different Grains were sow'd, as Wheat and Rye on Fallow: Barley, Oats, &c. on Land of one tilt: and again sometimes for the different Corn, as *hibernagium* was applied to Wheat and Rye, which we still call Winter-Corn: and *tremagium* to Barley, Oats, &c. which we likewise term Summer-Corn. See *Fleta* lib. 2. cap. 73. sect. 18. and lib. 2. cap. 41. sect. 1. where it is call'd *Ibarnagium*. See *Ibarnagium*.

Hyde of Land. See *Hide*.

Hydrgeld, A Ransome paid to save ones Skin, viz. that it be not beaten. Also the same with *Hidage*.

Hyth, A Port or little Haven to lade or unlade Wares at, as *Queen-hyth*, *Lamb-hyth*, &c. New Book of Entries, fol. 3. & Mon. Ang. 2. par. fol. 142. says, — *De tota Medietate Hythæ sue in, &c. cum libero introitu et exitu.*

I.

I *hee littera est etiam verbum seu rectius pronomen, scilicet ego unde derivatur possessivum (meus) ut ab altero pronome, (viz. tu, tuum) in English Mine and Thine; or as we use Meum and Tuum, the proper guides of Right; and whose being misunderstood, hath been the ground of all Quarrels.*

Jacke, *Olim wambasium*, A kind of defensive Coat worn by Horsemen in War, not made of solid Iron, but many Plates fastned together, which some by Texture were bound to find upon an Invasion. See *Hidage*.

Jactibus & Jectibus, A Latine word signifying him that loseth by default, *Placitum suum neglexerit & Jactibus exinde rimansit, formul. solen. 159.*

Jamaica, Is an American Island, lying on the South of Cuba; in length from East to West fifty Leagues, and in breadth twenty, the middle under the eighteenth degree of Northern Latitude: It was in part taken from the Spaniard by the English in the year 1655. and is mentioned in the Stat. 15 Car. 2. cap. 5.

Jamaica-wood, Mentioned 15 Car. 2. cap. 5. Is a kind of speckled wood, of which are made Cabinets, called there *Granadillo*. The Tree (as they say) is low and small, seldom bigger than a Man's Leg.

Jampnum, Furz or Gorse; also a gorsie Ground, Co. 1. part. fol. 179. a word much used in Fines, and the name seems to derive it self from the French *Jaulne*, i. yellow, because the Blossoms of it are of that colour, Co. on Lit. pag. 5. says *Jampna*, signifies a waterish place. *Manwood* in his *Forrest Law*. cap. 25. num. 3. says, No man may cut down Furze or Whins, within the Forest without good Licence.

Jannum. Heath, Whins, or Furze. — *Erasmus queritur quod homines falcabant Jannum in quadam breveta quam habet in Dunbeved, Placita 23 H. 3. Summerset. apud Prinne. Collect. tom. 3. p. 93.*

Janrum. — *Malefactores venerunt in quadam separale pasturam in Uplym que pertinet ad Abbatiam Glasstonia & Janta & alia in eadem crescentia combusserunt.* — *Cartular. Glasston. M. S.*

Ibarnagium. *Hibernagium, Ibernagium*, Season for sowing Winter Corn. — *Et arabit unam acram, seminabit cum semine Domini, eandem herciabit, videlicet dimidiam acram ad Ibernagium & dimidiam ad tremagium, & carabit de feno Domini.* *Chartular. Abbat. Glasston. M. S. f. 91. d.*

It Dien. The Motto under the Arms of the Prince of Wales. See *Hen. Spelman* judges it was Sax-

on *It Thien*, the Sax. D. with a stroke traverse being Th. and signified *I serve*, or *am a Servant*. As the Saxon King's Ministerial Lords were call'd *Theins*.

Ictus orbis, Ictus cæcus. A Bruise, a Swelling, any Hurt or Maim without breaking the Skin, which they call'd properly *plaga*, a Wound, and *aperta plaga*, an open Wound. — *Si in veniantur plagæ aperte, vel brussuræ per ictus orbos.* *Bracton. lib. 2. tract. 2. cap. 5. sect. 7.* So *Orbis* was used for a black and blue Spot, or livid mark of Beating. — *Ligna faciunt brussuras, orbis, & ictus, qui judicari non possunt ad plagam, ib. cap. 24. sect. 2.* So *ictus cæcus* oppos'd to *ictus cruentus* and *ictus apprensus*. As in the Laws of Hen. 1. cap. 94. — *Si alius alium verberet cæcis ictibus & non cruentis, sive cravatus ibi sit, vel non convicius, noxæ vitam emendabit Domino, cujus hominem vulneravit.*

Jarre, Any great Earthen Pot, we commonly call a Vessel of Oyl, containing twenty gallons a *Jarr*.

Jarrocke, 1 R. 3. cap. 8. Is a kind of Cork so called by this Statute prohibited to be used in the dying of Cloth.

Identitate nominis, Is a Writ that lies for him, who upon a *Capias* or *Exigent* is taken and committed to Prison for another Man of the Name, whereof see the form, and farther use in *F. N. B. fol. 267.* See *Reg. Orig. fol. 194.*

Ides, *Idus*, Are eight days in every Month so called, in March, May, July and October, they begin at the eighth Day of the Month, and continue to the fifteenth; in the rest they begin at the sixth and end at the thirteenth. But here observe, that only the last day is called the *Ides*, the first being termed the eighth *Ides*, the second the seventh, that is, the eight or seventh before the *Ides*, and so of the rest, and therefore when we speak of the *Ides* of such a Month, we must understand it of the fifteenth or thirteenth day of that Month. See *Calends*.

Idiot, Is a word in Greek properly signifying a private Man, who has no publick Office. Among the Latines it is taken for *illiteratus*, *imperitus*, and in our Law for *non compos mentis*, or a natural Fool. The words of the Statute, 17 E. 2. cap. 9. are *Rex habebit custodiam terrarum futurorum naturalium*, whereby it appears he must be a natural Fool, that is, a Fool à nativitate: For if he was once wise, or became a Fool by chance or misfortune, the King shall not have the custody of him, *Stamf. Prerog. cap. 9. F. N. B. fol. 232.* If one have understanding to measure a yard of Cloth, number twenty, rightly name the days of the week, &c. he shall not be counted an *Idiot*, or natural Fool, by the Laws of the Realm. See 4 Rep. *Beverly's Case*.

Idiota inquirenda vel examinanda, Is a Writ to the Escheator or Sheriff of any County, where the King hath notice that there is an *Idiot* naturally born, so weak of understanding, that he cannot govern or manage his Inheritance, to call before him the Party suspected of *Idiocy*, and examine him. And also to inquire by the Oaths of twelve Men whether he be sufficiently witted to dispose of his own Lands with discretion or not, and to certify accordingly into the Chancery; for the King hath the Protection of his Subjects, and by his Prerogative the Government of their Lands and Substance that are naturally defective in their own discretion, *Stat. de Prerog. Regis, edit. 17 E. 2. cap. 8.* whereof read *Stamf. Prerog. cap. 9.* and of this Writ read *F. N. B. fol. 232.* and *Reg. Orig. fol. 267.*

Jeman, Sometimes used for Yeoman, as by this following, *Sciatis, Sec. Quod ego J. S. de B. in com. H. Jeman dedi, &c. Dat. 10. Jan. 9. H. 6.*

Jestaple, Is a compound of three French words *jay faile*, i. *ego lapsus sum*, and in a legal sense denotes an over-sight in pleading, touching which you have a Statute

Statute 32 H. 8. 30. whereby it is enacted, That if the Jury have once past upon the Issue, though afterward there be found a *Jessaye* in the pleading, yet Judgment shall likewise be given according to the Verdict of the Jury. See *Bro. tit. Repleader*. The Author of the *New Terms of Law* saith, That a *Jessaye* is, when the Parties to any Suit have in pleading proceeded so far, that they have joyned Issue, which shall be tried, or is tried by a Jury, and this Pleading or Issue is badly pleaded or joyned, that it will be Error if they proceed: then some of the said Parties may, by their Council, shew it to the Court as well after Verdict given, and before Judgment, as before the Jury be charged; the shewing of which Defects, before the Jury charged, was often, when the Jury came into Court to try the Issue, then the Council which will shew it, shall say, *This Inquest you ought not to take*; and if it be after Verdict, then he may say, *To Judgment you ought not to go*: and because of this many delays grew in Suits, for the redress of which divers Statutes were made, viz. 32 H. 8. 30. before-mentioned, and others in Queen Elizabeth and King James his Days, viz. 18 Eliz. 14. 12 Jac. 13. yet the fault little amended.

Jesse. A Branch, or large Candlestick of Brass branched into several Sconces, and hanging down in the middle of a Church or Quire, to spread the Light to all parts. This invention was first call'd *Arbor Jesse* and *Stirps Jesse*, from the Similitude to the branch or genealogical Tree of Jesse. This useful Ornament of Churches was first brought over into England by Hugh de Flory, Abbat of St. Austins in Canterbury about the Year 1100. as thus recorded by the Historian of that Abby, *Pulpitum etiam in Ecclesia fecit, candelabrum etiam magnum in choro æreum, quod Jesse vocatur, in partibus emit transwarinis*. Chron. Will. Thorn. p. 1796.

Jetson, Jetzon and Jorson, From the French *Jetter, ejicere*, is any thing thrown out of a Ship, being in the danger of wreck, and by the Waves driven to the shore. See *Floresen*, Co. lib. 5. fol. 106.

Jews, Judei. See *Judaism*, anciently we had a Court of the Justices assign'd for the Government of the Jews. See 4. Inst. fol. 254. *Rex—Vic. Wigor. salutem. Precipimus tibi quod clamari et observari facias per totam Balliviam tuam, quod omnes Judei deferant in superiori indumento suo ubicumque ambula-verint vel equita-verint infra villam vel extra quasi duas tabulas albas in pectore suas de lineo panno vel de pergameno, ita quod per hujusmodi signum manifestè possint Judei, a Christianis discerni*. T. comite apud Oxon 30. Martii claus. 2 H. 3. p. 1. 10. in Dorsis.

Jgnis Indictum. Purgation by Fire, or the old judicial fiery trial. See *Ordeal*.

Jgnitegium. The eight a clock Bell, so call'd (as in old Engl. *Curfew, Coure-feu*, i. e. Cover-fire.) because the Conquerour Will. 1. ordered his Subjects at that hour upon the Signal of a Bell, or other sound to put out their Fires and Lights. When this custom of Extinguishing did by degrees it self expire, yet the ringing of a Bell at eight in the Evening, being still kept up, was long after call'd by the same Name. As in the Statutes and Customs of St. Paul's Church in London, collected by Ralph Baldock Dean about the Year 1300. it is ordain'd *ut servientes ostia Ecclesia claudant tempore yemali post initium pulsationis Completorii ibidem et tempore astivali post initium pulsationis ignitegii apud Sanctum Martinum*. M. S. Statuta Eccles. Pauline.

Jgnozamus, Is a word properly used by the Grand Inquest, impannelled in the Inquisition of Causes criminal and publick, and written upon the Bill, when they mislike their Evidence as defective, or too weak,

to make good the Presentment; the effect of which word so written is, that all farther enquiry upon that Party for that fault is thereby stopped, and he delivered without further answer. It hath a resemblance of that ancient Custom of the Romans, where the Judges, when they absolved a person accused, did write A. upon a little Table provided for that purpose, i. *Absolvimus*; if they judged him guilty, they writ C. *id est, condemnamus*; if they found the cause difficult and doubtful, they writ N. L. that is, *Non liquet*. *Asconius Radianus in oratione pro Milone, Alexander ab Alexandro, Genial. dierum, Lib. 3. cap. 14.*

Jinieta. Item apud Pulson xx. boves, pretium bovis vi sol. viii. boviculos pretium cujuslibet iis. viii. jinietus pretium cujuslibet iis. 1. Affrum v. sol. Chartular. Abbat. Glaston. M. S. f. 60. Let the Curious enquire, whither *Jinieta* signifies a Colt, a young Horse, a *Jenet*, or not rather a Heifer, a young Cow, which in some old Latin was *Junia* and *Junietia*, quasi junior vacca.

Jkenild-street, Is one of the four famous ways that the Romans made in England, called *Stratum Icenorum*, because it took beginning ab *Icenis*, which were the People that inhabited Norfolk, Suffolk, and Cambridgeshire, Camd. Brit. fol. 343. Leg. Edw. Conf. cap. 12. See *Watling-street*.

Illeivable, That may or cannot be levied, and therefore *Nihil* is a word set upon a Debt *Illeivable*.

Illuminare, To illuminate, to draw in Gold and Colours the initial Letters, and the occasional Pictures in Manuscript Books. — *Ita ut ipso Episcopus libros scribere, illuminare, et ligare non fastidiret*. Bromton, sub ann. 1076. Those Persons who particularly practis'd this Art, were call'd *Illuminatores*, whence our *Limmers*.

Imbargo, A stop or stay, most commonly upon Ships by publick Authority, 18 Car. 2. cap. 5.

Imbræn. *Imber daies*. The four Ember Weeks, or solemn Seasons for Ordination: first used as quarterly Fasts to pray for the Fruits of the Earth, they are mentioned in the Council of *Enham*, anno 1009. cap. 16. and in the Laws of King Alfred, cap. 39.

Imbreyle or Imbresil, To waste, scatter and consume; as if a person intrusted with Goods waste and diminish them, we say, He hath *imbresil'd* the Goods, 14 Car. 2. cap. 31.

Imbracery. See *Embracery*.

Imbrocus, A Brook, a Gut, a Water-passage. — *Torum nostrum imbrocum de Blackburn, sive prædictus brocus sit major sive minor, cujus broci longitudo ex australi parte incipit ad partem de Oxenal, & ducit super aquam de Limal. Somner of Ports and Forts, p. 41.*

Impanulare. To impanel a Jury. A privilege was sometimes granted, that a Person should not be impanell'd, or return'd upon a Jury. — *Non ponatur nec impanelletur in aliquibus Assis, Juratis, Recognitionibus, &c.* Paroch. Antiquit. p. 657. See Mr. Kennet's Glossary.

Imparlance, *Interlocutio vel interloquela*, Is a motion made in Court upon the count of the Demandant by the Tenant, or Declaration of the Plaintiff by the Defendant, whereby he craveth Respite, or any other day to put in his Answer. See *Bro. rit. Continuance*. See also *Dies datus*. This *Imparlance* is either general or special; Special is with this Clause, *Salvo omnibus advantageis tam ad jurisdictionem curie quam breve & narrationem*, Kitchin, fol. 200. General, is made at large, without inserting that or any other like Clause. See *Emparlance*.

Imparsonce, As Parson *imparsonce*, *Persona imparsonata*, is he that is inducted, and in possession of a Benefice, *Dyer, fol. 40. num. 72.* says a Dean and Chapter, are Parsons *imparsonces* of a Benefice appropriate unto them.

Impeachment of Wast, *Impetio wasti*, Cometh of the French *Empeschment*, i. *impedimentum*, and signifies a Restraint from committing of Wast upon Lands and Tenements. See *wast*. And therefore he that hath a Lease without *impeachment* of Wast, hath by that a property or interest given him in the houses and Trees, and may make *wast* in them without being impeached for it, that is, without being questioned, or demanded any recompence for the *wast* done. See *Co. lib. 11. Bowler Case, fol. 82.*

Impechiare. French *Empescher*. Latine *Impetere*. To impeach, to accuse and prosecute for Felony or Treason. — *Et promissit Regi Navarra quod nunquam eum impechiaret pro morte dicti Caroli de Hispania. Hen. de Knighton. sub anno 1255.*

Impediens, *Hec est finalis concordia facta in curia Domini Regis apud Westm. in Othabii sancti Hillarii, Anno Regni Regis Henrici filii Regis Johannis septimo eorum, &c. inter Willielmum de Mohun querentem & Willielmum Bruere impediendum, &c. Where impediment is used for Defendant or Deforciantem.*

Impediatus. *Expediatus*, *Impediati canes*. Dogs Lamed and Disabled from doing mischief in the Forests, and Purlieus of them. — *Omnes canes infra forestantiam fitebant esse impediati aut amputati sinistra artella.*

Impetration, *Impetratio*, An obtaining by Request or Prayer: It is used in our Statutes for the pre-obtaining of Benefices, and Church-Offices in England from the Court of Rome, which did belong to the disposition of the King, and other Lay-Patrons of this Realm; the penalty whereof was the same with *Provisors*, 25 E. 3. See 38 E. 3. Stat. 2. cap. 1.

Impierment, 23 H. 8. 9. Signifies as much as impairing or prejudicing; For the words of the Statute are, *To the great impediment and diminution of their good Names.*

Implements, Cometh either of the French word *Employer*, to employ; or the Latine *Impleo*, to fill up, and is used for all things necessary for a Trade, or Furniture of a House-hold: And in that sense you shall often find the word used in Wills, and Conveyances of moveables.

Implead, From the French *Playder*, to sue, arrest, or prosecute by course of Law.

Impost, Is a French word signifying Tribute, and derived of the Verb *Imposere*, i. *injungere*, and signifieth the Tax received by the Prince, for such Merchandise as are brought into any Haven within his Dominions from Foreign Nations, 31 Eliz. 5. It may in some sort be distinguished from Custom, because Custom is rather that profit the Prince maketh of Wares shipped out; yet are they frequently confounded.

Imprimerie, A Print, Impression; also the Art of Printing, and likewise a Printing-house, Anno 4. Car. 2. cap. 33.

Impropriation, Of which there are in England 3845. It is properly so called, when it is in the hands of a Layman, and *Appropriation* when in the hands of a Bishop, College or Religious House, though sometimes they are confounded. See *Appropriation*.

Improvement. See *Approve*.

Imprisonment, *Imprisonamentum*, Is the restraint of a Man's Liberty, whether it be in the open Field, or in the Stocks, or Cage in the Streets, or in a Man's own House, as well as in the Common Gaol. And in

all these places the Party so restrained, is said to be a Prisoner, so long as he hath not his Liberty freely to go at all times, to all places whither he will, without Bail or Mainprize.

Impruicare, To improve Land. *Impruicamentum*, the improvement to made of it. — *Nunquam liceat pradiſſo A. nec heredibus ipsius pasturam de averie suis emere, nec aliquid impruicamentum nostrum alibi in pradiſſo manerio unquam impedire. Chartular. Abbat. Glaſton. M. S. f. 50. 2. Breve de nova diſſeſſina super impruicamentis factis in moris de Soway — remittit omnem querelam pro xii. acris impruicandis in eadem mora. ib.*

In alto & imo, The same with *Alto* and *Basse*, which see.

Inbozh & Outbozh, Saxon. *Vide Camdens Britan. in Ottadinis*, Where he says, speaking of Edelingham, the Batony of Patrickke Earl of Dunbarre, which also was *Inborow* and *Outborow* between England and Scotland, as we read in the Book of *Inquisition*, that is, (as he believes) he was to allow and observe in this part the ingress and egress of those that travelled to and fro between both Realms; for English-men in ancient time called in their Language an Entry and Fore-court or Gate-house, *Inborow*.

Inblaura. Profit or Product of Ground. — *Quoddam messuagium cum uno ferdello terra in manerio de Wrington — cum tota in blaura in perpetuum resignavit. — Chartular. Glaſton. M. S. f. 70.*

In casu consimili, Is a Writ, See *Casu consimili*. In casu probivo, Is a Writ. See *Casu Proviso*.

Inchanter, *Incantator*, Is he that by Charms or Verbes Conjures the Devil. The Ancients called them *Carmina*, because in those days their Charms were in Verbe, 3. part *Inſt. fol. 44.*

Inchantress, *Incantatrix*, Is a Woman that uses Charms and Incantations. See *Inchanter*.

Incident, *Incident*, Signifies a thing necessarily depending upon another as more principal. For example, A Court-Baron is so *incident* to a Mannor, and a Court of Pypowders to a Fair, that they cannot be severed by Grant; for if a Mannor or Fair be granted, these Courts cannot be severed, *Kitchin, fol. 36.* See *Co. on Lit. fol. 151.*

Inclausa. A Home-Close, or Inclosure near the House. — *Dicunt per sacramentum suum, quod capitale messuagium vales per annum cum tota inclausa 11. fol. Paroch. Antiquit. p. 31.*

Incrementum. — *Dedi J. B. Quoddam Incrementum terre mea apud D. &c. by which is meant a parcel of Land inclosed out of common or wast Ground. But the word was more often used for Advance in Rent or other Payment. — Reddendo antiquum firmam & de incremento xl s. Paroch. Antiquit. p. 164. Taxatio Spiritualitatis una cum incremento per relaxationem. ib. p. 316. To which was oppos'd decrementum Abatement, whence *Decrement* in the Buttery Books, on Accounts of barteling in Oxford.*

Incroch, *Incrociare*. See *Encroachment*. Admirals and their Deputies do *incroch* to themselves Jurisdiction, Sec. 15 R. 2. cap. 4.

Incumbent, Is a derivative from the Latine Verb *Incumbo*, to mind diligently, and is a Clerk resident on his Benefice with Cure, *Co. on Lit. fol. 119.* and called *Incumbent* of that Church, because he doth or ought to bend his whole study to discharge his Cure, 10 H. 6. 7. and 1 & 2 P. & M. cap. 17.

Incaramentum. Is used in *Rot. Vase 17 E. 1. M. 13.* For incurring a penalty, or becoming subject to a Fine or Amercement. So *incurr* alicui, to be liable to another's legal Censure or Punishment. As in the Statute 2. *Westmin. cap. 37. Statutum est quod ejusmodi*

ejusmodi Tenentes capitalibus Dominis aut Regi incunantur.

Indestimable, Indestimabilis, That is not tytheable, or ought not to pay Tythe, 2. par. Inst. 490.

Indenture, Indentura, Is a Writing comprising some Contract between two, and being indented in the top answerable to another, that likewise containeth the same Contracts: This the Greeks call'd *συγγραφον* or *συγγραφιδ* which the civilians have defined to be *Scriptura inter creditorem & debitorem indentata in cuius scissura literis capitalibus hæc dictio Συγγραφιδ*, or plurally *τα συγγραφα*, scribitur; and it differs from *συγγραφον* quia hoc manu unius tantum puta debitoris scribitur & penes debitorem relinquitur. *Præinc. constitut. de Offic. archidicani*, cap. prim. verbo in scriptis. It differs from a Deed-Poll, which is a single Deed undented, Co. on Lit. fol. 229.

Indefeasible, That cannot be defeated or made void, as a good and indefeasible Estate.

Indefensus, One that is impleaded, and refuseth to answer, *M. S. de temp. E. 3.*

Indemnities, When a Church is appropriate to an Abby or College, then the Arch-Deacon for ever loofeth his Induction Money, in recompence whereof he shall have yearly out of the Church so Appropriate 12d. or 2s. more or less for a yearly Pension as it is agreed at the time of the Appropriating, and his Payments are called Pensions or Indemnities, *M. S. in Bibl. Cotton. (sub Effigie Cleopatrae E. 1.) fol. 84. a.*

Indirabit, Is a Writ or Prohibition that lyeth for a Patron of a Church whose Clerk is Defendant in Court-Christian, in an Action of Tythes commenced by another Clerk, and extending to the fourth part of the Church, or of the Tythes belonging to it; for in this case the Suit belongeth to the King's Court by the Stat. *Westm. 2. cap. 5.* Wherefore the Patron of the Defendant being like to be prejudiced in his Church and Advowson, if the Plaintiff obtain in the Court-Christian, hath this means to remove it to the King's Court, *Reg. Orig. fol. 35.* See *Old Nat. Brev. fol. 31.* and *Brissou cap. 109.*

Indiction, (Indictio ab Indicendo) that space of 15 Years, by which Account Charters and publick Writings were dated at Rome, and anciently in England too, every year still Increasing one till it come to 15, and then returning to one again, which account of time began at the Dismission of the Council of Nice, Anno 312. — *facta sunt hæc Anno Dominica Nativitatis 964. Indictione 8 Regni vero Eadgari Regis Oswaldo Episcopi Wercestre.* And a Charter of King H. 3. dated apud Chippingham 18 die April Indictione nona Anno Domini 1266.

Inditor, Is he that *indicteth* another for any Offence, 1 E. 3. cap. 11. And *Indictee* is he that is indicted, 21 Jac. cap. 8.

Inditament, Inditamentum, See *Enditement.*

Indivisum, Is used for that which Two hold in Common, without Partition, *Kitchin, fol. 241.* in these words, He holds *pro indiviso*, &c.

Indorsement, Indorsamentum, Is any thing written on the back of a Deed, as a Condition written on the back of an Obligation is commonly called *An Indorsement*, *West. Symbol. part. 2. sect. 157.*

Induction, Inductio, A leading into: It is most commonly taken for the giving possession to an Incumbent of his Church, by leading him into it, and delivering him the Keys, by the Commissary, or Bishop's Deputy, and by his ringing one of the Bells, *Croke, Rep. 3. part. fol. 258.*

In esse, 21 Jac. 2. *In being*: The learned make this difference between things *in esse*, and things *in posse*, as a thing that is not, but may be, they say, *Is in Possé*, or

Potentia; but a thing apparent and visible, they say, *Is in esse*, that is, has a real being, *eo instanti*, whereas the other is casual, and but a possibility.

Inewardus, Inwardus. A Guard, a Watchman, one set to keep Watch and Ward. — *In Limumare Lest in Brisnei habet Rex consuetudinem scilicet 11 caratas, & 11 sticas angularum pro uno Inewardo, & de uno ingo de Northbygge xii. denarios aut unum Inewardum & de Dena xviii. denarios, & de Garra unum Inewardum.* Lib. Doomday. Chenth. — *Quando Rex venatus instabat de unaqua; domo per consuetudinem ibat unus homo ad stabilitionem in silva. Alii homines non habentes integras masuras inveniebant Inewardos, ad aulam quando Redierat in civitate* — Lib. Doomday. Herefordshire.

Infang alias Infeng, Significat quietantiam prioris prise ratione convivi, *Fleta, lib. 1. cap. 47.*

Infalifatus. This word occurs only in *Ralph de Hengham, summa parva, cap. 3. vir commissi feloniam ob quam fuit suspensus, utlagatus, vel alio modo morti damnatus, vel demembratus, vel apud Dover infalifatus, vel apud Southampton submersus, vel apud Winton demembratus, vel decapitatus, ut apud Northampton: vel in mari superundatus, sicut in aliis partibus portuum.* — Mr. Selden in his Notes on that Author, says thus. "It appears that several Customs of Places made in those Days capital Punishments several. But what is *infalifatus*? In regard of its being a Custom used in a Port-Town. I suppose it was made out of the French word *Falaize*, which is *sine Sand* by the water-side, or a bank of the Sea. In this Sand or Bank it seems their execution at Dover was. The elaborate *Du Fresne* does condemn this Derivation and this Sense of the word, but yet gives no better. And therefore till we have more authority, we may conclude that *infalifatus* did imply some capital Punishment inflicted on the Sands or Sea Shoar; Perhaps *Infalifatio* was exposing the Malefactor to be laid bound upon the Sands, till the next full Tide carried him away, of which Custom if I forget not, there is some dark Tradition. However I believe the Penalty took name from the Norman *Falesia, Falesia*, which signified not only the Sands, but rather the Rocks and Cliffs adjoining or impending on the Sea shoar. See the like use of *Falesia* in *Mon. Angl. tom. 2. p. 165. b.*

Infangerthese, Vintangerthese or Infangtheof, Is compounded of three Saxon words; the Proposition *In, sang* or *song*, to take or catch, and *these* a Robber: It signifieth a Privilege or Liberty granted unto Lords of certain Mannors to judge any Thief taken within their Fee. *Bracton, lib. 3. tract. 2. cap. 35.* saith, *Dicitur Infangthes latro captus in terra alicujus de hominibus suis propriis, seisisus Latrocinio. Utfangthese vero dicitur latro extraneus, veniens aliunde de terra aliena & qui captus fuit in terra ipsius, qui tales habet libertates, &c.* In the Laws of King Edward the Conf. set out by Mr. Lambert, cap. 26. you have it thus described, *Infangthese, justitia cognoscens latronis sua est, de homine suo, si captus fuerit super terram suam: Illi vero qui non habent hæc consuetudines coram justitia Regia rectum faciant in Hundredis, &c.* The definition hereof see also in *Britton, fol. 90.* and *Rog. Hovenden, part. poster. sur. annual. fol. 345.* And *Skene de verb. Signif.* who writeth of it at large, reciting diversity of Opinions. Touching this, and *Ousfangerthese*, *Fleta, lib. 1. cap. 47.* says, *Infangthese* (for so he writes it) dicitur latro captus in terra alicujus, seisisus aliquo latrocinio de suis propriis hominibus, Anno 1 & 2 P. & M. cap. 15.

Infideles, Heathens. Inter infideles communerare, to excommunicate. So Henry Bishop of Winchester threatened *Brien Fitz Count*, Lord of *Walsford*, in the Reign of King Stephen — *Et vos (quod tamen mihi*

hi confiteri grave est, nec cordis meo sedet) nisi correxeritis, inter infideles Anglia connumerabo. Paroch. Antiquit. p. 100. When the Popes of Rome gave empty Titles to some Bishops, assigning them to remote and imaginary Sees, they were said to be Bishops in *partibus infidelium*.

In forma pauperis, When any Man that hath a just cause of Suit either in the Chancery, or any other the Courts of Common-Law, will come either before the Lord-Keeper, Master of the Rolls, either of the chief Justices, or chief Baron, and make Oath, that he is not worth five pounds, his Debts paid, either of the said Judges will in his own proper Court admit him to sue in *forma pauperis*, and he shall have Council, Clerk or Attorney assigned to do his business, without paying any Fees.

Infirmarius, In Monasteries, there was an Apartment allotted for infirm or sick Persons, and He who had the care or custody of this *Infirmaria* was call'd *Infirmarius*. See *Mat. Par. sub. anno 1252. Tho. Stubbs, sub. anno 1285. Will. Thorne, sub. anno 1128, &c.*

Information. See *Enditement*. Information for the King, *Informatio pro Rege*, is the same that for a common Person we call a Declaration, and is not always done directly by the King, or his Attorney, but sometimes by another, *qui sequitur tam pro Domino Rege quam pro seipso*, upon the breach of some penal Law or Statute, wherein a penalty is given to the Party that will sue for the same.

Informatus non sum, or more truly *Non sum Informatus*, Is a formal Answer made of course by an Attorney, that is commanded by the Court to say what he thinketh good in defence of his Client, who being not instructed to say any thing material; says, He is not *informatus*, by which he is deemed to leave his Client undefended, and so Judgment passeth for the adverse Party. See the *New Book of Entries, tit. Non sum informatus*, and Judgment 12.

Informet, Informator, Is any one who *informet* or prosecutes in any the King's Courts of Common-Law, viz. Exchequer, King's Bench, Common-Pleas, Assises or Sessions, those that offend against any Law, or penal Statute: These, in some cases, are called *Promoters*; the *Civilians* term them *Delatores*.

Ingenium. An Engine, Instrument, or Device. — *Exierunt enim jam sapienter de castello, & ingenia ejus vel succiderunt, vel incenderunt. Flor. Wigorn. contin. sub. anno 1138.* — *Ponant burrocas suas & alai ingenia ubicumque, voluerint ad capiendos pisces. Cartular. Abbat. Radiges. M. S. f. 55. b.*

Ingenuitas Regni. *Ingenui, Liberi & Legales Homines.* Free-Holders, Commonalty of the Kingdom. Not that the word was restrain'd to Yeomen or Plebeians. For it was sometimes given to the chief Barons, as in the Reign of Hen. 1. *Anselmus Archiep. Cant. in Pascha Curiam venit, Regni Ingenuitatem praesens consulti, i. e. the great Lords and King's Common-Council. Eadmer Hist. Nov. fol. 70.*

Ingressu, Is a Writ of Entry, whereby a Man seeketh Entry into Lands or Tenements: It lies in many cases, and hath many several forms. See *Entry*. This Writ is also call'd in particular, *Præcipe quod reddat*, because those be formal words in Writs of Entry. The Writs, as they lie in divers Cases, are these, set down in the *Old Nat. Brev. viz. Ingressu ad Terminum qui præterit, fol. 121. Reg. Orig. fol. 227.* which lyeth where the Lands or Tenements are let to a Man for term of years, and the Tenant holdeth over his term *Ingressu dum non fuit compos mentis, Reg. Orig. 218.* which lies when a Man selleth Land or Tenement, being out of his wits, &c. *Ingressu dum fuit infra ætatem, Old N. B. fol. 123, Reg. Orig. fol. 228.* lies where

one under age sells his Lands, &c. *Ingressu super disseisina in le quibus, Old N. B. 125. Reg. Orig. 229.* lies where a Man is disseised, and dyeth, for his Heir against the Disseisor. *Ingressu in le Per, Old Nat. Brev. 126. Reg. Orig. fol. 229. Ingressu sur eni in vita, Vet. N. B. 128. Reg. Orig. 230.* both which see in *Entry*. *Ingressu causa matrimonii prælocuti, Vet. N. B. fol. 130. Reg. Orig. 233.* which see in *causa matrimonii prælocuti*. *Ingressu in casu proviso, Vet. N. B. 132. Reg. Orig. 235.* which see in *casu proviso*. *Ingressu cui ante divorcium, Vet. N. B. fol. 130. Reg. Orig. 233.* For which see *Cui ante divorcium*. *Ingressu in casu consimili, for which see Casu consimili.* *Ingressu sine assensu capituli, Reg. Orig. fol. 230.* Is a Writ given by the Common-Law to the Successor of him that alienated *sine assensu capituli*, &c. and is so called from those words contained in the Writ, *Co. on Lit. fol. 325.* And *Ingressu ad commonem Legem, Vet. N. B. 132. Reg. Orig. 234.* which lieth where the Tenant for term of Life, or of another's Life, Tenant by Courtesie, or Tenant in Dower, maketh a Feoffment in Fee, and dieth: He in the Reversion shall have the aforesaid Writ against whomsoever that is in the Land, after such Feoffment made.

Ingressus. The Relief which the Heir or Successor at full age paid to the prime Lord, for entering upon the Fee, or Lands, which were fallen by the Death or Forfeiture of the Farmer Feudatary. This *Relievum, Relevamentum* or *Relevatio*, was sometimes call'd *Ingressus*, and sometimes *Invocitus*, being but a Customary due (as at first only an honorary Present) to the Lord from his new Vassal, for his Entry or Ingress upon his Land or Fee.

Ingrossator, magni Rotuli. See *Clerk of the Pipe*.

In grosse, Is that which belongs to the person of the Lord, and not to any Mannor, Lands, &c. As *Villain in gross*, *Advowson in gross*, &c. *Co. on Lit. fol. 130.*

Ingrossing of a Fine, Is making the Indentures by the *Chirographer*, and the delivery of them to the Party unto whom the Cognisance is made, *Fitz. Nat. Brev. fol. 147.*

Ingrosser, Ingressator, From the French *Grossier*, that is, *Solidarius venditor*, is one that buys Corn growing, or dead Victuals to sell again, except Barley for Malt, Oats for Oatmeal, or Victuals to Retail; Badging by Licence, and buying of Oyls, Spices and Victuals, other than Fish or Salt, *Anno 5 E. 6. cap. 14. 5 Eliz. 24. 13 Eliz. 25.* but *West. Symbol. part. 2. tit. Inditements sect. 64.* says, This definition rather doth belong to unlawful *ingrossing*, than to the word in general. See *Forefeilder*, and 3. par. *Inst. fol. 195.* *Ingrosser* is also a Clerk that writes Records or Instruments of Law in Skins of Parchment: As in *Henry the Sixth's* time, he who is now called *The Clerk of the Pipe*, was call'd *Ingrossator Magni Rotuli*; and the *Controulor of the Pipe* was called *Duplex ingrossator*, *Spelm.*

Inheritance, Hereditas, Is a perpetuity in Lands or Tenements to a Man and his Heirs: For *Littleton, lib. 1. cap. 1.* hath these words, This word *Inheritance* is not only understood where a Man hath *inheritance* of Lands and Tenements by descent of Heritage, but also every Fee-simple or Fee-tail that a Man hath by his Purchase, may be said by *Inheritance*, for that his Heirs may inherit after him. Several *Inheritance* is that which two or more hold severally, as if two Men have Land given them to them and their Heirs of their two Bodies; these have joint *Estates* during their Lives, but their Heirs have several *Inheritance*, *Kitchin, fol. 155.* See *Termes de la Ley, verbo Inheritance*.

Inwardus, One attending the King in *Hareford* and *Cambridge-shire, Downday*.

Inhibition, Inhibitio, Is a Writ to *inhibit* or forbid a Judge from farther proceeding in the Cause depending before

before him. See *F. N. B. fol. 39.* where he putteth prohibition and inhibition together. Inhibition is most commonly a Writ issuing out of a higher Court-Christian to a lower and inferior, upon an Appeal, *Anno 24 H. 8. cap. 12.* And Prohibition out of the King's Court to a Court-Christian, or to an inferior Temporal Court.

Inhor. This word was neither interpreted nor mentioned in any Glossary before the Edition of Mr. Kennett's *Parochial Antiquities*. It properly signifies, any corner or out part of a common Field ploughed up and sowed (commonly with Oats or Tares) and sometimes fenced off with a dry foot Hedge, within that Year wherein the rest of the same Field lies fallow and common. It is now call'd in the North an *Inshack*, and in Oxfordshire a *Hitchinne*, or *Hitching*. It seems deriv'd from Saxon *Inge*, a Field or Meadow, rather from *inne* within, and *hoke* a Corner or Nook. The making of such *Inboke*, or separate Inclosure by any one Lord or Tenant, was a prejudice to All who had a right of Common. — *Frater Walterus Prior Berencestræ fieri fecit quoddam Inhoc in campo waretabili utriusque Ernicote in Muele creft sub curia ejusdem Prioris per quod Abbas Ofen dicebat se de comuni pastura ibidem disseisiri.*

— *Paroch. Antiquit. p. 297.* Noverit Universitas vestra nos fecisse quoddam Inhocium in campo de Dunthrop sine assensu & voluntate Prioris & Conventus de Cold Norton — unde quorundam fratrum & aliorum Amicorum freti consilio prædictum Inhocium volunt de pascere. *b. p. 298.* This Trespass or Encroachment was expressly prohibited in some Charters. — *hoc ratione quod Dominus hayam nec pasturam separabilem faciet ab hominibus infra campum waretabilem. ib. p. 496.* And therefore no such *Hitchinne* is now made without the joint consent of all the Commoners, who in most places have their share by lot in the benefit of it. Except in some Mannors where the Lord has a special Priviledge of so doing. See Mr. Kennett's *Glossary*.

Injunction, Injunctio, Is a Writ grounded upon an Interlocutory Order in Chancery; sometimes to give possession to the Plaintiff, for want of the Defendants Appearance; sometimes to the Kings ordinary Court, and sometimes to the Court-Christian, to stay proceedings in a cause upon Suggestion made, that the rigour of the Law, if it take place, is against equity, and conscience in that case. See *West. Symb. part 2. tit. Proceeding in Chancery, sect 25.*

Inlagh or Inlaugh, Inlagatus vel homo sub lege, signifies him that is some Frank-Pledge, and not Outlawed, of whom take *Bracton's words, Lib. 3. Tract. 2. cap. 11.* Minor vero & qui infra ætatem duodecem annorum fuerit, utlagati non potest, nec extra legem poni; quia ante talem ætatem non est sub lege aliqua nec in decima, non magis quam femina, quæ utlagari non potest, quia ipsa non est sub lege, i. Inlaugh Anglice, sc. in francoglegio sive decenna sicut masculus duodecem annorum & ulterius, &c. Inlaugh significat hominem subiectum legi, *Fleta, lib. 1. cap. 47.*

Inlagary, Inlagatio, Is a restitution of one Outlawed, to the King's Protection, and to the benefit or estate of a Subject, *Bracton, lib. 3. tract. 2. cap. 14. num. 6, 7, 8. Britton, cap. 13.*

Inlagare. To restore to the benefit of the Law. — *Edgarus puer veniens ad eum a Scotia, & Rex eum inlagavit, & omnes homines suos. Annal. Waverl. sub ann. 1074.*

Inlegiare. When a Delinquent has satisfied the Law, and is again restit in curia, he is said *se inlegiare.* Sunt alia quadam placita Christianitatis in quibus Rex partem habet hoc modo. Si Rex patiatur ut qui in Ecclesia fecerit homicidium, ad emendationem veniat, primo Episcopo & Regi pretium natiuitatis sue reddat,

& ita se inlegiet, deinde componat de pace Ecclesiæ, 5. lib. &c. Leg. Hen. 1. cap. 11.

Inland, Inlandum, Terra Dominicalis, Pars Manerii Dominica, terra interior; For that which was let out to Tenants, was called *Utlund*. In the Testament of *Brithericus in Itinerar. Cantii*, 'tis said thus according to *Lambert's Interpretation, To Wulfsee (Igive) the Inland or Demeans, and to Elyfyrh Outland or Tenancy.* — This word is often found in *Doomsday*. — The Saxon *Thanes* who possessed *Bocland* or hereditary Lands divided them according to the proportion of their Estates into two sorts, *Inland* and *Outland*. The *Inland* was that which lay next or most convenient for the Lord's Mansion-house, as within the view thereof, and therefore they kept that part in their own hands for Supportation of their Family, and Hospitality. The Normans afterwards called these Lands *terras Dominicales*, the *Demeans*, or Lord's Lands. The Germans *terras indominicatas*. The Feudists *terras curtas ac intra curtem*, Lands appropriated to the Court or House of the Lord. See Mr. Kennett's *Glossary* in *Inlands*.

Inland-tith, — Johannes Ingleby Prior domus Jesu de Berkleme de Shene & ejusdem loci Conventus Patrum Ecclesiæ parochialis de Midleton Chendayt in com. Northampton, concedunt Jacobo Bennett dictæ Ecclesiæ Rectori omnes decimas — in granis videlicet hanc decimam quæ mihi vulgariter nuncupatur Inland-tithe cum suis pertinentiis siquæ sunt. — Dat ultimo die Junii 1479. Ex Memorandis Thomæ Rotherham Episcopi Linc. M. S. f. 14.

Inlantal, Inlantalate. Demesne or In-land, to which was oppos'd *Delantal*. Land tenented or *Outland*. — *Abbas & Conventus Glaston. concesserunt vicario de Sappiwike decimas bladi omnium crostarum tunc existentium, duntaxat quæ non sunt Inlantal in tota parochia de Sappiwike, eo quod omnes hæc crostæ sunt Delantal. Chartular. Abbas. Glaston. M. S. f. 115. b.*

Inleaced, From the French *Enlasi*, intangled or inlained; the word we may read in the Champions Oath, *Co. Inst. 2. par. fol. 247.*

Inmates, Be those that are admitted to dwell for their Money joyntly with another man, though in several Rooms of his Mansion-house, passing in and out by one Door, and not being able to maintain themselves; which are inquirable in a *Leet, Kitchen, fol. 45.* where you may read who are properly *Inmates*, and who not.

Innes of Court, Hospitii Curie, Are so called, because the Students therein do study the Laws, to enable them to Practise in the Courts of Westminster, or else where; and also because they use all other gentile Exercices, as may make them more serviceable to the King in his Court, *Forscuche, cap. 49.* Of these there are four well known, viz. the *Middle-temple*, *Inner-temple*, *Lincolns Inn* and *Grayer Inn*, which with the two *Sergeants-Inns*, and eight *Inns of Chancery* (as Sir Edward Coke says) make the most famous University for the Profession of Law only, or of any one humane Science in the World; concerning which, see *Dugdales Origines Judiciales*.

Inn, Hospitium, Common Inns are instituted for Passengers; for the proper Latine word is *Diversorium*, because he that lodgeth there is quasi diversens se a via; and therefore if a Neighbour which is not a Traveller, as a Friend at the request of the Inn-Keeper lodge there, and his Goods are stolen, he shall not have an Action, for the Writ is *Hospitandos homines per partes, ubi hujusmodi hospitia existunt transeuntes & in eisdem hospitantes, Co. 8. Rep. Cayles Case*: Neither shall the Inn-Keeper answer for any thing that is out of his Inn, but only for such things as are *infra hospitium*, the words are *eorum bona & catalla infra hospitia illa existentia.*

Any person found tipling in any Inn or Ale-house, shall be adjudged within the Statutes against Drunkenness, 21 Jac. and 1 Car. 1. cap. 4.

Innings. Lands recovered from the Sea by draining and banking. As in *Romney Marsh*, old Records make mention of the Innings of Arch-Bishop Becket, Baldwin, Boniface, and Beckham. At this Day *Elderton's Innings*, &c.

Infant. *Infans*, Before the Age of one and twenty Years, a Man or Woman is called an *Infant* in the Law, Co. on Lit. lib. 1. cap. 21. & lib. 2. cap. 28. An *Infant* of eight Years of Age, or above, may commit *Homicide*, and be hanged for it, viz. if it may appear by hiding the person, by excusing, or by any other act that he had knowledge of Good and Evil, and of the danger of the Offence, for here *Malitia supplebit etatem*; yet Co. upon Lit. sect. 405. saith, That an *Infant* shall not be punished till the Age of fourteen, which, says he, is the Age of Discretion.

Innaturalitas. Unnatural Usage. — *Et ibidem Imperator coram omni populo congregato ostendit & notificavit omnibus innaturalitatem & inobedientiam ac improbitatem, quam Rex Francie ei fecerat, & ibidem Regem Francie diffidabat, &c.* Hen. de Knyghton, in Edw. III. p. 2572.

Innotescimus. Letters Patent so called, which are always of a Charter of Feoffment, or some other Instrument not of Record, and so filed in the words of the conclusion, *Innotescimus per presentes*. An *Innotescimus* and *Vidimus* are one and the same. See Co. Rep. 5. Pages Case.

Innuendo. From *Innuo*, to beck or nod with the Head, is a word frequently used in Writs, Declarations and Pleadings, and the Office of it is only to declare and ascertain the person or thing which was named or left doubtful before; as to say, He (*innuendo*, the Plaintiff) is a Thief, where there was mention before of another person; but this *innuendo* must neither enlarge the sense of the words, nor make a supply, or alter the Case where the words are defective. See *Hutton's Rep.* fol. 44.

Inpeny & Outpeny. Concerning which, you may read in the Register of the Monastery of Cokesford, p. 25. thus, *De Inpeny & Outpeny consuetudo talis est in Villa de East-Rudham de omnibus terris que infra Burgagium tenentur, viz. quod ipse qui vendiderit vel dederit dicitur tenuram alicui, dabit pro exitu suo ac eadem tenura unum denarium & similiter pro ingressu suo, &c.* These words and Custom are also mentioned in the Rolls of a Court there held, about the Feast of the Epiphany, Ann. 12. R. 2. Spelm.

Inprisii. Adherents or Accomplices. — *Sic ut quod recepit in gratiam nostram Gilbertum Marefchallum, & omnes qui fuerunt Inprisii Ricardi Marefchalli* — Claus. 18. H. 3. in Brady Hist. Engl. Append. p. 180.

Inquirendo. Is an Authority given to a person or persons, to enquire into something for the King's Advantage, which, in what cases it lyeth, see Reg. Orig. fol. 72. 85, 124, 265, 266, 267.

Inquisition. *Inquisitio*, Is a manner of proceeding in matters Criminal, by the Office of the Judge, or by the great Inquest before Justices in Eyre. See Eyre, and the places in *Bracton* and *Britton* there quoted. *Hostenius* defines it thus, *Inquisitio nihil aliud est quam alicujus criminis manifesti ex bono & equo iudicis competentis canonice facta investigatio. Ca. qualiter de accusat. in the Decretals.* *Inquisition* is also with us used for the King in Temporal Causes and Profits, in which kind it is confounded with Office. *Peacog. fol. 51.* See Office.

Inquisitors. *Inquisitores*, Are Sheriffs, Coroners, *super visum corporis*, or the like, who have power to in-

quire into certain Cases. Statute of *Marlbridge*, cap. 18. *Britton*, fol. 4. and *Westm.* 1. *Enquirors* or *Inquisitors* are included under the Name of *Ministri*, 2 par. Inst. fol. 211.

Inrollment. *Inrotulatio*, Is the Rigistring, Recording, or Entering of any lawful Act in the Rolls of the Chancery, as a Recognizance acknowledged, or a Statute, or a Fine, levied, or in the Rolls of the Exchequer, King's Bench, or Common-Pleas, or in the *Hustings* of London, or by the Clerk of the Peace in any County. See *West. Symbol.* part 2. tit. *Fines*, sect. 133. and 27 H. 8. 16.

Insestator. A Prosecutor or Adversary at Law. — *Quod etiam ejus Insestatores parvo post tempore duraverunt, imo diva morte perierunt.* Paroch. Antiq. p. 288.

Insetena (Sax.) An Indirch. *Item ordinaverunt quod Qualibet acra pro Wallis Insetenis & Watergangs emendetur pro 40 sol.* *Ordinatio Romaniensis Marisci*, pag. 73.

Insiatores viarum. Waylayers, or such as lie in wait, are words which by 4 H. 4. cap. 2. are not to be put in Inditements, Arraignments, Appeals, &c.

Insilium. Ill Advice, or pernicious Counsel. *Rex Danorum Swanus per insilium, in curiam & traditionem Normannici Comitum — civitatem Excestram infregit, spoliavit, &c.* *Sim. Dunelm.* sub anno 1003. whence *Insiarius*, an Evil Counsellor. *Filius Regis Ethenulphi cum omnibus suis consiliariis imo insiliariis, tantum facinus perpetrare ausi sunt, ut Regem a regno proprio repellerent.* *Flor-wigorn.* sub anno 855.

Insimul tenuit. Is one Species of the Writ called a *Formedon*. See *Formedon*.

Insnuation. *Insnuatio*, 21 H. 8. 5. Is a covert, and cunning creeping into a Mans favour. *Insnuation* of a Will is, among the *Civilians*, the first production of it, or the leaving it *Penes Registrarium*, in order to its Probate.

Insuperimus. Letters Patent so called, because they begin after the Kings Title with this word *Insuperimus*, and is the same with Exemplification. See Co. 5. Rep. Pages Case.

Infallment. A settlement, or sure placing in, 20. Car. 2. cap. 2. Sometimes it is confounded with Abatement.

Instant. In Latine *Instanti*, and defined by the *Logicians* to be *Unum indivisibile in Tempore, quod non est Tempore, quod non est Tempus, nec pars temporis, ad quod tamen partes temporis copulantur*, and is much considered in Law; and though it cannot be actually divided, yet in conceit it may, and applied to several Purposes, as if they were several times. Whereof see in *Plemons Commentaries*, *Fulmerston* and *Stuarts* Case, where the Statute of 31 H. 8. is expounded concerning an Abbots letting of Lands, &c. and there it is debated, that when the Termor takes the second Lease, he surrenders his former Term; and so at the same instant of taking the second Lease, the former is expired. And in the Case between *Pettis* and *Hales*, he who kills himself, commits not Felony till he be dead, and when dead, he is not in being, so as to be termed a Felon; but he is so adjudged in Law *eo instante*, at the very instant of this Fact doing; and there are many other Cases in Law, where the *instant* time, that is not dividable in nature; in the consideration of the Mind is divided.

Instaurum. Is used in ancient Deeds for a flock of Cattle. *Item Manerium illud Nullum potest sustinere Instaurum quia Nullum habet pratum.* Mon. Angl. 1 part fol. 548. b. we read also in the same sense *Staurum Instauramentum*, properly young Beasts, *Store* or *Breed*. — *Et de instauramento tria jumenta, i. e. three store Cattle.* Paroch. Antiq. p. 288. *Instaurum* was commonly used for the whole Stock upon a Farm, Cattle, Waggon, Ploughs, and all other Implements of Husbandry. — *Inquirere debet de instauo in qualibet manerio exte-*
flents.

flente. *Flota.* l. 2. cap. 72. *sect.* 7. So *Instaurum Ecclesie* is used for the Books, Plate, Vestments, and all other Utensils belonging to a Church, by the Synod of Exeter, anno 1287. *can.* 12. 44. 53. So *terra instaurata* was Land ready stock'd, or furnish'd with all things necessary to carry on the use or occupation of a Farm. As in the *Magna Carta* of King John, anno 1215. *Et reddat hereditum ad plenam etatem venerit, terram suam instauratam de curucia & omnibus aliis rebus.* *Instauratio* in our Historians and *M.S.* is taken in the same sense as *Instaurum*.

Institution, Institutio, Is, when the Bishop lays to a Clerk who is presented to a Benefice, *instituo te Rectorem talis Ecclesie cum cura animarum & accipe curam tuam & meam.* Every Rectory consists of a *Spirituality* and *Temporality*. As to the *spirituality*, viz. *Cura animarum*, he is a complete Person by *institution*. But as to the *Temporalities*, as *Gleab-land*, &c. he has no *Frank-tinment* therein till *Induction*, *Co.* 4. *Rep.* Digbyes Case. The first beginning of *Institution* to Benefices was in a National Synod held at *Westminster* by *John de Crema*, the Popes Legate, Anno 1124. Which see in *Seldens History of Tythes*, pag. 375.

Insuper. Is a word used by *Ansitores* in their Accounts in the Exchequer, when they say, so much remains *insuper* to such an Accountant, that is, so much remains due upon such an Account, Anno 21 *Jac.* cap. 2.

Intakers, Were a sort of Thieves in *Riddesdale*, in the farthest Northern parts of England, mentioned 9 *H.* 3. cap. 8. and so called, because they dwelling within the Liberty, did take in and receive such Booties of Cattle, and other things, as their Confederates the Outparters brought in to them. See *Outparters*.

Intendment of Law, Intellectus Legis, The understanding, intention, and true meaning of Law, *Co.* on *Lit.* fol. 78. says, The Judges ought to judge according to the common intendment of Law.

Intention, Is a Writ that lies against him that enters after the death of Tenant in Dower, or other Tenant for Life, and holds out him in the Reversion or Remainder; For which see *F. N. B.* fol. 203. And every Entry upon the Possession of the King is called an *Intension*; as where the Heir of the Kings Tenant enters after Office, and before Livery, this is called an *Intension* upon the King, as appears in *Stamf. Prærog.* fol. 40. &c.

Inter Canem a Lupum, M. filia N. de Okele appellat. J. C. pro raptu & pace Regis fracta die Martis prox. &c. *Inter Canem & Lupum,* i. in, crepusculo, scilicet Anglier *Twilight*, i. inter diem et noctem, &c. *Inter placida de Trin.* 7 *E.* 1. *Ror.* 12. *Gloce.* — In placit. de domo combusta *malitiose, hora vespertina, sc.* *Inter Canem & Lupum, venerunt malefactoris, &c.* *Plac. Cor. Reg. apud Novem Castrum,* 24 *E.* 1. *Ror.* 6. — This in Herefordshire, they call the *Mock Shadow*, corruptly the *Mock Shade*: and in the North, *day light's gate*, others *betwixt hawk and buzzard*.

Inter-commoning, Is where the Commons of two Manors lie together, and the Inhabitants of both have time out of mind depastured their Cattel promiscuously in each.

Interdiction, Interdictio, Is used in the Common-Law in the same signification that it hath in the Canon-Law, where it is thus defined, *Interdictio est censura Ecclesiastica prohibens administrationem divinorum*, and thus it is used, 24 *H.* 8. cap. 12.

Interdicted of Water and Fire, Were, in old time, those who for some Crime were banisht, which Judgment, though not by express Sentence pronounced, yet by giving Order that no Man should receive them into his House, but deny *Fire and Water*: They were condemned, as it were, to a civil death; and this was called *Legitimum exilium.* *Livy.*

Interesse, Interest of Money, as distinguish'd from the Principal. — *Socii Mercatores Senentes taburni Elyensem Episcopum in causam coram Magistror Alexandro de Peretia Judice a Domino Papa Delegato, super trecentis marcis de sorte, et centum marcis de interesse* 40 *H.* 3. *Præjane Collect.* tom. 2. pag. 360.

Interest, Interesse, Is usually taken for a Term, or Chattels real, and more particularly for a future Term; in which case, it is said in pleading, That he is possessed de *interesse termini*: But ex vi *Termini* in a legal sense, extends to *Estate*, Right and Titles that a Man hath of, in, or to, or out of Lands; for he is truly said to have an *interest* in them, *Co.* on *Lit.* fol. 345.

Interlocutory Order, Ordo interlocutorius, Is that which decides not the Cause, but only settles some intervening matter relating to the cause; As where an Order is made, by motion in *Chancery*, for the Plaintiff to have an Injunction to quiet his Possession, till the hearing of the Cause. This, or any such Order, not being final, is *interlocutory*.

Interciare, (Fr. entiercer) To put into a Third hand. In the Saxon Laws it was used in the same sense as we now do. *Sequester. LL. Ine. M. S.* cap. 74.

Interpleader. See *Entripleder*.

Intestates, Intestati; There are two kinds of *Intestates*, one that makes no Will at all; another that makes a Will, and nominates Executors, but they refuse; in which he dies as an *Intestate*, and the Ordinary commits Administration, 2 *par. Inst.* fol. 397. See the Stat. 22 & 23 *Car.* 2. cap.

Intol & Utrol, Toll or Custom paid for things imported and exported, or bought in, and sold out. In the Charter of *Hen.* 1. to the Church of *St Peter in York* — *habebant Canonici in domibus & terris suis soccam et faccam tol et theam intol & uttol et Infangtheof, &c.* *M. S.*

Intiercy. See *Entiercy*.

Intrere mariscum, To drain any low wet Marsh or Bog, and by Dikes, Walls, &c. to reduce it to herbage or pasture Ground, to *inne* or take in. Whence many of the lowest Grounds in *Romney Marsh*, are called the *Innings*, *vid.* *Will. Thorn.* sub anno 1281.

Intrusion, Intrusio, Is when the Ancestor dies seized of any Estate of Inheritance, expectant upon an Estate for Life; and then Tenant for Life dies, between whose death, and the Entry of the Heir, a Stranger doth interpose and intrude, *Co.* on *Lit.* fol. 277. *lib.* 3. cap. 8. *sect.* 475. *Bracton, lib.* 4. cap. 2. To the same purpose defines it thus, *Intrusio est ubi quis, cui nullum jus competit in re nec scintilla juris, possessionem vacuum ingreditur, que nec animo nec corpore possidetur, &c.* with whom agreeth *Flota, lib.* 4. cap. 30. *sect.* 1. & 2. *Britton.* cap. 65. The *New Book of Entries*, verbo *Entrusion*. See *Entrusion*. See *Disseisin*. See also *Abatement*, and the Stat. 21 *Jac.* cap. 14.

Intrusione, Is a Writ that lies against the Intruder, *Regill.* fol. 233.

Invasiones, In the Inquisition of Serjeancies and Knights Fees in the 12 and 13 years of *K. John*, there be some Titles under the Character of *Invasiones*: and de *Invasionibus*, and *Invasions super Regem*.

Inbadiare, To engage Lands, to mortgage. — *habenda sibi & heredibus—etcuicunq; dare vendere, invadiare, assignare, &c. voluerint.* *Paroch. Antiquit.* p. 262.

Inbadiationes, Mortgage or *Pledges*, confirmamus eis omnis alias donationes, vendiciones & invadiationes rationaliter factas, *Mon. Angl.* 1. *par.* fol. 478.

Inbadiatus, Is when one has been accused of some Crime which being not fully proved he is put sub debita fide jussione.

Inbentiones, Treasure trove, Money or Goods found by any Person, and not challeng'd by any Owner, which therefore by Common-Law was due to the King, who granted the Privilege to some particular Subjects. As *K. Edw.* 1. granted to his Barons of the Cinque Ports — *quod habeant inventiones suas in mari & in terra* — *Placit. temp. Edw.* 1. & *Edw.* 11. *M. S.* f. 89.

Inventory, Inventorium, Is a Description or Repertory, orderly made of all dead Mens Goods and Chattels, prized by four or more credible Men, which every Executor or Administrator is bound to exhibit to the Ordinary at such

times as he shall appoint, *West. Symbol. part 1. lib. 2. sect. 596.* where likewise you may see the form. This Inventory proceeds from the Civil Law, for whereas by the ancient law of the Romans, the Heir was obliged to answer all the Testators Debts, by which means Heritages were more prejudicial to many than profitable. *Justinian 3* to encourage men the better to take upon them this charitable Office, Ordained, That if the Heir would make and Exhibit a true Inventory of all the Testators Goods coming to his hands, he should be no further charged than to the value of the Inventory, *lib. ult. Cod. de jure deliberando, &c.*

In ventre in merc, French, in the Mothers Belly: Is a Writ mention'd in the Register, And Anno 12 Car. 1. cap. 24.

Invest, Investire, Is derived of the French word *Investire*, and signifies to give possession. *Hicoman de verbis feudibus, verbo Investitura: Investitura barbarum nomen, barbaricum quoque rationem habet, Nam ut ait feudista, lib. 2. tit. 2. Investitura proprie dicitur quando bassa vel aliquod corporeum traditur a domino.* We use likewise to invest the Tenant, by delivering them a Verge or Rod in their hands, and ministring them an Oath, which is called *Investing*. Others define it thus, *Investitura est in suum jus alicujus introductionis, a giving Livory of Seisin or Possession.*

Investituræ, The Customs and Ceremonies of investiture or giving possession, were long practised with great variety and singular oddness. Observe this form of investing a Canon in the Cathedral Church of Pauls in the time of Ralph Baldok, Dean about the year 1295. *Cum fuerit quisquam prebenda investiens — induatur habitu Canonici & coram Decano & fratribus in Capitulo se presentet & pane albo supposito Regula Canonice in hoc volumine contentæ, investiat eum Decanus vel Major presens Decano absente Dicendo, Nos recipimus te in Canonicam & fratrem & tradimus tibi regularis observantia formam in volumine isto contentam pro cibo spirituali, & in remedium laboris refectionem in pane corporalem. Panis autem ille committatur Elemosynario ad usus Pauperum. — Ex Libro Statutorum Ecclesie Pauline M. S. penes Joh. Epum Norwic.*

Invitatoria, Those Hymns and Psalms that were sung in the Church to invite the People to praise God. As *Venite Exultemus Domino, Jubilate Deo, &c.* In the Statutes of the Church of St. Pauls in London, it was ordained, *ut vicarii de novo recepti & in posserum recipiendi singulis diebus infra annum probationis sue unum nocturnum Psalterii ita dicant attente et imparium ac communem Sanctorum Historiam, Invitatoria, & Venitatum ad eo diligenter interea repetant quod ta corde tenus, &c.* Liber Statutorum Ecclesie Pauline, M. S. penes Joh. Epum Norwic.

Invoce, 12 Car. 2. cap. 34. Is a particular of the value, custom and charges of any Goods sent by a Merchant in another Man's Ship, and consigned to a Factor or Correspondent in another Country.

Inure, Signifies to take effect, as the Pardon inureth, *Stamf. p. 1. fol. 30. See Enure.*

Jobber, Is used for one that Buys or Sells Cattle for others, *Stat. 22 & 23. Car. 2.*

Jocalia, Jewels, Edward the first employ'd one Andrew ad Jocalia sua impignuranda, *Claus. 29 E. 1.*

Jocartious, A Jester, In a Deed of Richard Abbot of Bury to Henry Lovet, without date; among the Witnesses to it, was *Willielm. runc Jocio Domino Abbati.*

Joclet, A Saxon word signifying *Pradislum*, a little Farm; in some parts of Kent yet called *Joclet*, as requiring but a small yoke of Oxen to till it, Saxon *Distum.*

Jorson. See *Teisen & Ploton.*

Joynder, Is the coupling or joyning of two in a Suit or Action against another, *R. N. B. fol. 118, 201, 221.* and in many other places, as appeareth in the *Index, verbo Joynder.*

Joint-tenants, *Simul tenentes, or qui conjunctim tenent, Lib. intrusionum, tit. Formedon in view, 3.* be those that come to, and hold Lands or Tenements by one Title pro

indivisa, or without partition, *Co. on Lit. lib. 3. cap. 3. sect. 277.* These are distinguished from sole or several Tenants, from *Parceners*, and from *Tenents* in Common; and anciently they were called *Particeps*, and not *Heredes*; And these must jointly implead, and jointly be impleaded by others, which properly is common between them and *Coparceners*; but *Joint-tenants* have a sole quality of survivorship, which *Coparceners* have not; for if there be two or three *Joint-tenants*, and one hath Issue and dies, then he or those *Joint-tenants* that survive, shall have the whole by Survivorship. See *Co. on Lit. lib. 3. fol. 180.* See more of this *Terms de la Ley, verbo Joint-tenants.*

Joyning of Issue, Junctio Exitus. See *Issue.*

Joynure, Junctura, Is a Covenant whereby the Husband, or some other Friend in his behalf, assureth unto his Wife, in respect of marriage, Lands or Tenements for term of Life, or otherwise, *West. Symbol. part 2. lib. 2. tit. Covenants, fol. 128. 27 H. 8. cap. 10.* It is so called either because granted *ratione junctura in matrimonio*, or because the Land in *Frank marriage* is given jointly to the Husband and Wife, and after to the Heirs of their Bodies, whereby the Husband and Wife be made *Joyn-tenants* during the Coverture, *Co. lib. 3. fol. 3. Butler and Baker's Case, fol. 27.* See *Frank marriage.* *Joynure* is also used as the abstract of *Joyn-tenants*, *Co. lib. 3. fol. 3. Marquess of Winchester's Case.* *Junctura* is also by *Bracton* and *Fleta* used for joyning of one Bargain to another; *Fleta lib. 2. cap. 60.* And therefore *Joynure* in the first signification may be so called; in respect that it is a Bargain of Livelihood for the Wife, adjoynd to the Contract of Marriage. See also the *Termes of the Law, eodem verbo.*

Jostum, Gistum. Agistment or commonly pronounced *Juicement*, feeding or pasturing of Cattel. — *Ego Thomas Gybylan, Capellanus Filii Philippi Filii Gilberti de S. Edmundo — confirmavi deo et beato Edmundo — totam rus et claustrum meum quod unquam habui vel habere potui in burgio et josto in suburbio ville S. Edmundi, &c. — Cartular. S. Edmundi. M. S. p. 242.*

Journeys accounts, Dieta computate, Is a term in the Law to be thus understood, if a Writ be abated without the default of the Plaintiff or Demandant, he may purchase a new Writ, which if it be purchased by *Journeys accounts* (that is, within as little time as he possibly can after the abatement of the first Writ.) then this second Writ shall be as a continuance of the first; and so shall ought the Tenant or Defendant of his Voucher, Plea of Non-tenure, Joyn-tenancy fully administered, &c. or any other Plea which arises upon matter happening after the date of the first Writ; and fifteen days have been held a convenient time for the Purchase of the new Writ. See for this Writ by *Journeys accounts, Co. lib. 6. fol. 9. Spencers Case.*

Journal; A Diary or Day-Book, *Journals* of Parliaments are not Records, but only Remembrances; and are neither of necessity, nor have been of long continuance. See *Hub. Rep. fol. 109.*

Journey choppers, 8 H. 6. were Regrators of Yarn; whence the first part of the Word is derived, is somewhat obscure; but *Choppers* are to this time known to be *Changers*: As to *chop* and *change* is a familiar phrase. See *Chop-Church.*

Journey-man, Cometh of the French word *Journee*, that is, a day or days-work, so that properly it is one that wrought with another by the day, though now by the Statute made Anno quinto Eliz. cap. 4. it be extended to those likewise, that covenant to work with another in his Trade or Occupation by the year.

To go at largum, To go at large, is a term frequent in the Law.

Iron-moulds, Yellow lumps or clods of Earth, or softer Stone, found amongst Chalk in most Pits among the Chiltern parts of Oxfordshire, which are indeed a sort of indigested iron oar.

Irregularity, Irregularitas, Disorder: In the Canon, Law.

Law it is taken for an Impediment, which hinders a Man from taking holy Orders; as if he be base born, notoriously defamed of any notable Crime, maimed, or much deformed, or has consented to procure anothers death, and the like.

Irrepleviable or Irreplevisable. That neither may nor ought to be replevied or set at large upon Sureties; as the Distress shall be irreplevisable, 13 E. 1. cap. 2.

Jinglase, Gluten Piscium. A kind of Fifth-plue or Fish-gum, brought from *Island*, and those parts, and used in Medicines, and by some in the adulterating of Wines, but for that prohibited by Statute made 12 Car. 2. cap. 25.

Issue, Exitor, Cometh of the French Issue, i. emanare: It hath divers Applications in the Common-Law, sometime being used for the children begotten between a Man and his Wife, sometimes for Profits growing from Amerciements or Fines, and sometime for profits of Lands or Tenements, West. 2. 13 E. 1. cap. 39. Sometimes for that point of matter depending in Suit, whereupon the Parties joyn, and put their Cause to the Tryal of the Jury: And yet in all these it hath but one signification, which is an effect of a Cause proceeding, as the children be the effect of the Marriage between the Parents; the profits growing to the King or Lord, from the punishment of any Mans Offence, is the effect of his Transgression; the point referred to the tryal of twelve Men, is the effect of Pleading or Process. **Issue** in this last signification is either *general* or *special*; *General issue* seemeth to be that wherby it is referred to the Jury, to bring in their Verdict, whether the Defendant have done any such thing, as the Plaintiff layeth to his charge. For example, If it be an Offence against any Statute, and the Defendant plead *Not Guilty*; this being put to the Jury, is called *The general issue*. And if a Man complain of a private wrong, which the Defendant denyeth, and pleads no wrong nor Dissaisin; and this be referred to the Jury, it is likewise the *general issue*, *Kitchin*, fol. 225. See *Doll* and *Strud*, fol. 148. The *special issue* then must be that, when special matter being alledged by the Defendant for his defence, both Parties joyn thereupon, and so grow rather to a Demurrer; if it be *questio juris*, or to tryal by the Jury, if it be *questio facti*, 4 H. 8. 3. 13 Eliz. cap. 12. and the *New Book of Entries*, verbo *Issue*.

Itinerant, Itinerans, Travelling, or taking a Journey. Those were anciently called Justices *itinerant*, who were sent with Commission into divers Countries to hear such Causes especially as were termed Pleas of the Crown. See *Justices* in *Eyre*.

Jubilee. The most solemn time of Felicity at Rome, when the Pope gives blessing and remission of Sins to all the Credulous and Rich, who at that Juncture come to visit Rome. The year of *Jubilee* is said to have been first instituted by Pope Boniface the 8th in the year 1300. With a design, it should return each Century, or at the interval of one hundred Years. But Pope Clement the 6th to honour his own Pontificate, and promote the sale of Indulgences, ordered a new *Jubilee* in the year 1350. and decreed the Solemnity should return every fifty years, &c. In imitation of the grand *Jubilee* at Rome, the Monks of Christ Church kept a *Jubilee* at Canterbury every 50th year, to invite the greater concourse of silly People to the shrine of *Thomas Becket*. And K. Edward II. kept a *Jubilee* at Court in the 50th year of his own Age, which was 1352. giving Pardons, Privileges, and other civil Indulgences.

Judaisme, Judaismus. The Custom, Religion, or Rites of the Jews: This word was often used by way of exception in old Deeds. The Statute of *Judaismo* was made 18 E. 1. At which Parliament the King had a Fifteenth granted him pro *Expulsionem Judaeorum*. *Judaismo* was also used for a Mortgage — *Pro hac autem donatione dederunt mihi dilecti Abbas & Canonici sex Marcas sterling. ad acquietandam terram predictam de Judaismo in quo fuit impignorata per Rob. fratrem meum, &c.* Ex magno Rot. Pipæ de Anno 9. E. 2.

Judge. In *Cheshire* to be Judge of a Town is to serve at the Lord's Court on the Jury. *Licetser's Anti*, f. 302.

Judge & Judges, Juax & judices. All their Commissions are bounded with this express limitation, *Faciuri quod ad justitiam pertinet secundum legem & consuetudinem Anglie*. The Judge at his Creation takes an Oath, That he shall indifferently minister Justice to all them that shall have any Suit or Plea before him, and this he shall not forbear to do, though the King by his Letters, or by express word of mouth should command the contrary, &c. It is a Maxim in the Law, *Aliquis non de-*

bet esse Judex in propria causa. King Henry the Fourth, when his eldest Son the Prince was by the Lord chief Justice, for some great misdemeanors, committed to Prison, he thanked God that he had a Son of that Obedience, and a Judge so impartial, and of such undaunted Courage; the story is well known, and may be read at large both in *Stow* and *Daniel*, in *vita*, Hen. 5. *Fortescue* in his Book de *Laudibus legum Anglie* 53. speaketh of a Judge, complaining of a Judgment given against a Gentlewoman of *Salisbury*, who being accused by her own Man, without any other proof, for murdering her Husband, was thereupon condemned and burnt: The Man, who accused her, being within a year after convicted for the same Offence, confessed, That his Mistress was altogether innocent of that cruel Fact. But this Judge (as the same Author adds) *sepius mihi fassus est, quod nunquam in vita sua animum ejus de hoc facto purgaret.* In *septimo Hen. 4.* the King demanded of *Gastaigne* Justice, If he saw one in his presence kill J. S. and another (which was not culpable) should be indicted of this before him, what he would do in this Case? To which he answer'd, That he ought to respite the Judgment against him, and to relate the matter fully to the King to procure him a Pardon; for there he cannot acquit him, and give Judgment according to his private knowledge. But where they have a judicial knowledge, there they may and ought to give Judgment according to that. See the like Case determined by King James, in his Disputations at Oxford, *Rex Plat.* p. 109. 113, 114, 115. *Plow.* fol. 83. *Partridge* against *Strange*.

Judgment, Judicium, quasi juris dictum. Is the Censure of the Judges so called, and is the very Voyle and final Doom of the Law; and therefore is always taken for unquestionable truth. The ancient words of Judgment are very significant, *Consideratum per curiam*, &c. because Judgment is or ought to be given by the Court, upon consideration of the Record before them; and in every Judgment there ought to be three persons, viz. *Assor, reus & Judex*: Of Judgments some be final, and some not final. See *Co.* on *Lit.* fol. 39. and *Co.* 9. Rep. *Dowdnam's* Case.

Judices fiscales. So *Polydore Virgil* calls *Emison* and *Dudley*, who were employed by Hen. 7. for taking the Benefit of Penal statutes, and were put to Death by H. 8. See *Lord Herb.* Hen. 8. fol. 5, 6.

Judicium Dei. The Judgment of God, so our Ancestors call'd those now prohibited Tryals of Ordeal, and its several kinds, *Si super defendere non possit Judicio Dei, scilicet Aqua vel ferro, feret de eo justitia*, *Leges Ed.* Conf. cap. 16. See *Spelman's Gloss.* on this word, and Dr. *Brady*, in his Glossary at the end of his Introduction to *Engl. History*.

Judgment or Tryal by the holy Cross. Long since disused. See *Cressley's Church History*, fol. 960.

Jug. A watery place, according to *Doomsday*.
Jugulato. A Cut-throat, or Murderer. — *Statutum est praterea ut nullus occidat Jugulator, quales Murderers appellant Angli, de cetero chartam de regia gratia obtineret.* *Tho. Wallingham*, p. 343.

Jugum. Half an Arpent, 50 Perches, so mentioned in *Doomsday*, as the same Book interprets, *Jugum terra*, to contain half a Plow-land.

Juncaria or Juncaria. (from *juncus*, the Latine word for a Rush;) is a soyl or place where Rushes grow, *Co.* on *Lit.* fol. 5. *Cum Piscariis, Turbariis, Juncariis, & communibus pasturis ad messuagium predictum pertinet.* *Pat.* 6 E. 3. p. 1. m. 25.

Juncare. To strow Rushes, as was of old the custom of accommodating the Parochial Church, and the very Bed-chamber of Princes. — *Terra in Ailesbury tenetur per servitium inveniendi Domino Regi cum venerit apud Ailesbury in estate stramen ad lectum suum, ita prater hoc herbam ad juncandam cameram suam* — *Pat.* 14 E. 1.

Juntum. *Junda.* A Measure of Salt. — *Et de tribus mansuris terre, et de decem junctis salis in wickio, cum duabus salinis*, &c. *Mon.* Angl. tom. 2. p. 99.

Juncture. See *Juncture*.

Jura. *Regalia.* See *Regalia*.

Jure Patronatus. See the *New Book of Entries*, verbo *Jure Patronatus* in *Quare impedit*, fol. 365. col. 3.

Jurats, Jurati. 2 & 3 E. 6. cap. 30. As the Mayor and Jurats of *Marydston*, *Rye*, *Winchelsey*, *Tinderton*, &c. are in the nature of Aldermen, for Government of their several Corporations. So *Jersey* hath a Bayliff and twelve Jurats, or sworn

Affiliants to Govern the Island, *Camd. Brit. Romney Marsh* is also incorporate of one Bayliff, twenty four *Jurats*, and the Commonalty thereof by Charter dated 23 Feb. 1 E. 4.

Jurnal, The Journal or Diary of Accounts in a Religious House. — *Ut patet per Jornale hoc anno — ut patet per prædictum jornale. Paroch. Antiquit. p. 571.* From French *Jour*, a Day. Whence *Journey* was at first properly but one days travel. And our Plough-men now use the word in a strict and original Sense. For they call one days travel, or work at Plough, a *Journey* or *Journe*. Hence a *Journeyman* is one who works by the Day, &c. See *Jurnedum*.

Jury, *Jurata*. May be derived from the Latine *Jurare*, to swear, and signifies either twenty four or twelve Men sworn to inquire of the matter of Fact, and declare the truth upon such Evidence as shall be delivered them, touching the matter in question. Of which *Jury*, who may, and who may not be impanelled, see *F. N. B. fol. 165.* And here observe, That in England there be three sorts of Tryals, viz. one by Parliament, another by battel, and the third by Assise or *Jury*, *Smith de Rep. Angl. lib. 2. cap. 5, 6, 7.* Of the two former read him, and see *Battel, Combat and Parliament*. The trial by Assise, (be the Action civil or criminal, publick or private, personal or real), is referred for the Fact to a *Jury*, and as they find it, so passeth the Judgment; and the great Favour that by this the King shews to his Subjects, more than the Princes of other Nations, you may read in *Glanvil, lib. 2. cap. 7.* where he calls it, *Regale beneficium elementis principis de consilio Procerum populis indultum, quo vita hominum & status integritati tam salubriter transigitur, ut in jure, quod quis in libero soli tenemento possidet, restituendo ducti causam declinare possint homines ambiguum, &c.* This *Jury* is not only used in Circuits of Justices Errant, but also in other Courts and Matters of Office; as if the *Echequer* make Inquisition in any thing touching his Office, he doth it by *Jury* or Inquest. If the Coroner inquire how a Subject found dead, came to his end, he useth an Inquest. The Justices of Peace in their Quarter-Sessions, The Sheriff in his County and Turn, The Bayliff of a hundred, The Steward of a Court Leet or Court-Baron, if they inquire of any Offence, or decide any Cause between Party and Party, they do it in the same manner: So that where it is said, All things be tryable by Parliament, Battel or Assise, Assise in this place is taken for a *Jury* or Inquest, empanelled upon any Cause in a Court where this kind of Tryal is used; and though it be commonly supposed that this Custom of ending and deciding Causes proceeded from the Saxons and Britains, and was of favour permitted to us by the Conquerour; Yet I find by the *Grand Customary of Normandy, cap. 24.* that this course was likewise used in that Country, for Assise is in that Chapter defined to be an Assembly of wise Men, with the Bayliff, in a place certain, at a time assigned forty days before, whereby Justice may be done in Causes heard in the Court: Of this Custom also, and those Knights of Normandy, *Johannes Faber* maketh mention in the Rubrick of the Title *de militari testamento, in Insti. tur.* This *Jury* though it appertains to most Courts of the Common-Law, yet is it most notorious in the half year Courts of the Justices Errants, commonly called the *Great Assises*; and in the Quarter-Sessions, and in them it is most ordinarily called a *Jury*: And that in civil Causes, whereas in other Courts it is termed oftner an Inquest, and in the Court-Baron, a *Jury* of the Homage: In the General Assise, there are usually many *Juries*, because there be store of Causes both civil and criminal, commonly to be tryed, whereof one is called *The Grand Jury*, and the rest *Petit Juries*, whereof it seemeth there should be one for every Hundred, *Lamb. Eirenarch. lib. 4. cap. 3. p. 384.* The *Grand Jury* consists ordinarily of twenty four grave and substantial Gentlemen, or some of the better sort of Yeomen, chosen indifferently by the Sheriff out of the whole Shire, to consider of all Bills of Indirement preferred to the Court, which they do either approve by writing upon them *Billas vera*, or disallow by indorsing *Ignoramus*: Such as they do approve, if they touch Life and Death, are farther referred to another *Jury* to be considered of, because the Cause is of such Importance; but others of lighter moment, are upon their allowance, without more work, fined by the Bench, except the Party traverse the Indirement, or challenge it for insufficiency, or remove the Cause to a higher Court by *Certiorari*, in which two former Cases it is referred to another *Jury*, and in the last transmitted to a higher, *Lamb. Eir. lib. 4. cap. 7.* and

presently upon the allowance of this Bill by the Grand Inquest, a man is said to be indicted: such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled or torn. The *Petit Jury* consists of twelve men at the least, and are empanelled as well upon criminal as upon civil Causes: Those that pass upon Offences of Life and Death, do bring in their Verdict either Guilty, or not Guilty, whereupon the Prisoner, if he be found guilty, is said to be convicted, and so afterward receiveth his Judgment and Condemnation, or otherwise is acquitted, and set free: of this read *Forcescue, cap. 47.* Those that pass upon civil Causes real, are all, or so many as can conveniently be had of the same Hundred, where the Land or Tenement in question doth lye, being four at the least, and they upon due examination bring in their Verdict either for the Demandant or Tenant. Of this also see *Forcescue, cap. 25, 26.* According to which, Judgment passeth afterward in the Court, where the Cause began: And the reason hereof is, because these Justices of Assise are in this case, for the ease of the Country, only to take the Verdict of the *Jury* by virtue of the Writ called *Nisi prius*, and so return it to the Court where the Cause is depending. See *Nisi prius*, and Lambors in his *Explication of Saxon words, verbo Centuria*. His words are these, *In singulis centuriis Comitatus sunt atque libere conditionis viri duodecim aetate superiores, una cum Praeposito sacra tenentes, jurantes, se adeo virum aliquam innocentem haud condemnaturos, fontemque absoluturos.* See also the *Customary of Normandy, cap. 69.* Vide etiam Inquest. See *Twelve men*, and *Lamberts Eiren. lib. 4. cap. 3. p. 384.*

Juridical days, *Dies Juridici*, Days on which the Law is administered, days in Court. See *Dies*.

Jurisdiction, *Jurisdiclio*. Is a dignity which a Man hath conferred on him to do Justice in Cases of Complaint made before him: Of this there are two kinds, one which a man hath by reason of his Fee, doing Right in all Plaints relating to his Fee; by virtue thereof, the other is collated by a Prince to a Bayliff, which division we find in the *Grand Customary of Normandy, cap. 2.* which is not unfit for the constitution of our Government: For under the name of Bayliff there, we may comprehend all that have Commission from the Prince to give Judgment in any Cause. See *Co. 4. Inq. in the Proemium*. The Civilian divide *Jurisdictionem* into *Imperium* & *Jurisdictionem*, & *Imperium* in *merum* & *mixtum*; Of which you may read several Treatises.

Juris utrum, Is a Writ that lyeth for the Incumbent, whose Predecessor hath alienated his Lands or Tenements; the divers uses of which Writ see in *F. N. B. fol. 48.*

Jus Coronæ, The Right of the Crown is part of the Law of England, and differs in many things from the general Law, relating to the Subject. See *Co. on Lit. fol. 15. b.*

Jus Curialitatis Anglie. See *Curie of England*.

Jus hereditatis, The Right of Inheritance. See *Heir*.

Jus Patronatus, Is the right of presenting a Clerk to a Benefice. See the *New Book of Entries, verbo Jus Patronatus in Quare impedit, fol. 465. col. 3.*

Jures, Cometh of the French *Jouster*, i. *decursum*, and signifieth with us contentions between Martial Men and Persons of Honor, with Spears on Horseback, 24 H. 8. cap. 13.

Jurnedum, A Journey, or one days travelling. — Among the customary Duties done by the Tenents of *Chebenhale*. — *Si opus fuerit & Dominus voluerit ipse avertabit pannos suos cum caballo suo ad Sanctum Edmundum vel alias per unum jurnedum semel in anno.* — *Cartular. Sancti Edmundi. M. S. f. 401.*

Justa, Among the Customs observ'd in the Abby of *Glastenbury*. — *In diebus sollempnibus quum Fratres fuerint in capis midenens habuerint in iustis, & simulas super mensam, & vinum ad caritatem & tria generalia.* — *Chartular. Abbat. Glaston. M. S. f. 10.* So *Mon. Angl. tom. 1. p. 149.* *Percepit etiam quilibet Fratrum coram iustis duas de cerevisia.* Whence it is plain, that *Justa* was some Pot or Liquid Measure.

Juros, *Jurators*, Is one of those twenty four or twelve Men, which are sworn to deliver a Truth upon such Evidence as shall be given them touching the matter in question, of which see *F. N. B. fol. 165.* and the Statute 16 & 17 Car. 2. returning able and sufficient *Jurors*.

Justice, *Justiciarius*, Signifies him that is deputed by the King to do Right by way of Judgment; the reason why he is called *Justice* and not *Judex*, is, because in ancient time the Latine word for him was *Justicia*, and not *Justiciarius*, as appeareth

peareth by *Glanville, lib. 2. cap. 6. and Rog. Hovenden, part. post. suar. annal. fol. 413.* Another reason why they are called *Justiciarii*, and not *Judices*, is, because they have their Authority by Deputation, as *Delegates* to the King, and not *jure Magistratus*, and therefore cannot depuete others in their stead, the *Justice of the Forest* only excepted, who hath that liberty especially given him by 32 H. 8. 35. for the Chancellor, Marshal, Admiral, and such like, are not called *Justiciarii*, but *Judices*: Of these *Justices* there are divers sorts in *Edgland*, of the manner of whose creation with other appurtenances, read *Forrester, cap. 51.* These in *Magna Charta, cap. 12.* and other Statutes, are called *Justices*.

Justice or chief Justice of the Kings Bench, Capitalis justitia vel justiciarius de Banco Regis. Is a Lord by his Office while he enjoys it, and the chief of the rest; His Office especially is to hear and determine all Pleas of the Crown, viz. such as concern Offences committed against the Crown, Dignity, and Peace of the King; as Treasons, Felonies, Mayhems, and such like; which you may read in *Bracton, lib. 3. tract. 2. per totum*, and in *Stamf. Pl. Cor.* from the first to the 51. chap. of the first Book. He also, with his Assistants, hearth all personal Actions and real also, if they be incident to his Jurisdiction. See *Crompt. Jur. fol. 67.* Of this Court *Bracton, lib. 3. cap. 7. num. 2.* saith thus, *Placita vero civilia in rem & personam in Curia Domini Regis terminanda, coram diversis justiciariis terminantur; & illorum curiarum habet unam propriam, sicut aulam Regiam, & justiciarios capitales qui proprias causas Regis terminant & aliorum omnium per querelam vel privilegium sive libertatem; ut si sit aliquis qui implicari non debeat, nisi coram Rege.* This *Justice* hath no Patent under the Great Seal, but is made by Writ in this short form.

Rex, &c. M. H. salutem, sciatis quod constituimus vos justiciarium nostrum capitalem ad placita coram nobis tenenda, durante bene placito nostro. Teste, &c.

Of the ancient Dignity of this chief Justice, we find that in the time of King *John*, and others our ancient Kings, it often occurs in Charters of Privileges, *Quod non ponatur respondere nisi coram nobis vel capitali justitia nostra.* The Court was first called *The Kings Bench*, because the King sometimes sat in it in his own Person, and was moveable with the Court, 9 H. 3. 11. The Oath of the *Justices* see in the Stat. 18 E. 3. Stat. 4. and in *Origines Juridicales*, a Catalogue of all the Lords chief *Justices* in England. See Oath, and see *Kings Bench*.

Justice or chief Justice of the Common Pleas, Dominus Justiciarius Communium Placitorum. He is also a Lord by his Office, and with his Assistants, originally did hear and determine all Causes at the Common-Law, that is, all civil Causes between common Persons, as well personal as real, for which cause it is called *The Court of Common Pleas*, as differing it from the Pleas of the Crown, or the Kings Pleas, which are special, and appertaining to him only. Of this, and the jurisdiction thereof, see *Crompt. Jur. fol. 91.* and 4. Inst. fol. 59. This Court was always sedled in a place, as appears by the Stat. 9 H. 3. 11. The Oath of him and his Associates, see 18 E. 3. Stat. 4. See Oath.

Justice of the Forest, Justiciarius Forestie. Is also a Lord by his Office, and hears and determines all offences within the Forest, committed against Vert or Venison: Of these there be two, whereof one hath Jurisdiction over all Forests on this side Trent, the other of all beyond. The chief point of their Jurisdiction consisteth upon the Articles of the King's Charter, called *Charta de Foresta*, made Anno 9 H. 3. concerning which, see *Camd. Brit. p. 214.* See *Præfatorius*. The Court where this Justice sits and determines, is called *The Justice Seat of the Forest*, held once every three years, as you may read in *Manwoods Forest Laws, cap. 24.* He is also called *Justice in Eyre of the Forest*; and is the only Justice that may appoint a Deputy, by the Statute of 32 H. 8. 35.

Justices of Assise, Justiciarii ad capiendas Assisas, are such as were wont by special Commission to be sent (as occasion was offered) into this or that County, to take Assises for the ease of the Subjects; for whereas these Actions pass always by Jury, so many men might not, without great damage and charge, be brought up to London, and therefore *Justices* for this purpose, by Commission particularly authorized, were sent down to them. For it seems, that the *Justices* of the Common Pleas had

no power to take Assises till the Stat. of 8 R. 2. cap. 2. for by that they were enabled to it, and to deliver Gaols. And the *Justices of the Kings Bench* by that Statute such Power affirmed unto them, as they had one hundred years before. These *Commissions ad capiendas Assisas*, have of late years been settled and executed only in Lent, and the long Vacation, when the *Justices*, and other learned Lawyers, may be at leisure to attend those Controversies; whereupon it also falls out, that the Matters that were wont to be heard by more general Commissions of *Justices in Eyre*, are heard all at one time with these Assises, which was not so of old, as appears by *Bracton, lib. 3. cap. 7. num. 2.* *Habet etiam justiciarii itinerantes de Comitatu in Comitatu, quandoque ad omnia placita; quandoque ad quedam specialia, sicut Assisas, &c. & ad Gaolos deliberandas, quandoque ad unam vel duas & non plures.* And by this means the *Justices* of both Benches being worthily accounted the fittest of all others, and their Assistants, were employed in these Affairs. But no *Justices* of either Bench, or any other, may be *Justices of Assise* in his own County, Anno 8 R. 2. 2. and 33 H. 8. 24. And those who now are called *Justices of Assise*, and twice every year go the Circuit, by two and two through all England, dispatch their several business by several Commissions, *Crompt. Jur. fol. 210.* For they have one Commission to take Assises, another to deliver Gaols, another of Oyer and Terminer, &c. That *Justices of Assise*, and *Justices in Eyre* did anciently differ, appeareth by 27 E. 3. cap. 5. And that *Justices of Assise* and *Justices of Gaol Delivery* were divers, is evident by 4 E. 3. 3. The Oath taken by *Justices of Assise* is all one with that taken by the *Justices of the Kings Bench*, Old Abridgment of Statutes, tit. *Sacramentum justiciariorum.* See Oath.

Justices of Oyer and Terminer, Justiciarii ad audiendum & terminandum, Were *Justices* deputed upon some special or extraordinary Occasion, to hear and determine some peculiar Causes. *Fitzherbert* in his *Nat. Brev.* saith, That the Commission d' Oyer and Terminer is directed to certain Persons upon any great Assembly, Insurrections, heinous Misdemeanors, or Trespases committed. And because the occasion of granting this Commission should be maturely weighed, it is provided by the Statute made 2 E. 3. cap. 2. That no such Commission ought to be granted, but that they shall be dispatched before the *Justices* of the one Bench or other, or *Justices Errant*, except for horrible Trespases, and that by the special favour of the King. The form of this Commission, see F. N. B. fol. 110.

Justiciarii, Ad placita transgressionum monetæ audienda & terminanda Claus. 7 E. 1. M. 6. de Judeis.

Justices in Eyre, Justiciarii itinerantes, Are so termed of the old French word, *Erre, Iter*, as (*a grand Erre, i. magnus itineribus*.) proverbially spoken. These in ancient time, were sent with Commission into divers Countries to hear such Cause: especially; as were termed *Pleas of the Crown.* And this was done for the Ease of the People, who must else have been hurried to the Kings Bench, if the Cause were too high for the County-Court: They differed from the *Justices of Oyer and Terminer*, because they (as we said before) were sent upon one or few special Causes, and to one place, whereas the *Justices in Eyre* were sent through the Provinces and Counties of the Land, with more indefinite and general Commission, as appeareth by *Bracton, lib. 3. cap. 11, 12, 13.* and *Britton, cap. 2.* And again, because the *Justices of Oyer and Terminer* were sent uncertainly upon any uproar, or other occasion in the Countrey; but these in *Eyre* (as Mr. *Gwin* sets down in the Preface to his Reading,) were sent but every seven years once, with whom agrees *Horne* in his *Mirror of Justices*, lib. 2. cap. *queux point estre assours, &c.* Et lib. 2. cap. *des peches criminals, &c. al fait del Roy, &c.* And lib. 3. cap. *de Justices in Eyre*: Where he also declares what belongs to their Office. [But there is a Book entituled, *Orig. Juridicales*, which says, They went oftener.] These were instituted by K. Henry the II, as *Camd.* in his *Brit. witneseth*, p. 104. and *Hovenden par. post. suar. annal. fol. 313.* hath of them these words, *Justiciarii itinerantes, constituti per Henricum Secundum, qui divisit Regnum suum in sex partes, per quarum singulas tres justiciarios itinerantes constituit, &c.* In some respect they resembled our *Justices of Assise* at present, though their authority and manner of proceeding much differ. Co. on Lit. fol. 293.

Justices of Gaol-delivery, Justiciarii ad Gaolos deliberandas, Are such as are sent with Commission to hear and determine all Causes appertaining to such as for any Offence are cast into

into the *Gaol*: part of his Authority is to punish such as let to Mainprize those Prisoners that be not bailable by Law, nor by the Statute de *finibus*. cap. 3. *F. N. B.* fol. 151. These seem in ancient time to have been sent into the Country upon this several occasion; but afterwards *Justices of Assise* were likewise authorized to this, *Anno 4 E. 3. cap. 3.* Their Oath is all one with other of the Kings *Justices* of either Bench, *Old Abridgement of Statutes*, tit. *Sacramentum Justiciariorum*. See *Oath*.

Justice of the Hundred, *Justiciarius Hundredi*, erat ipse *Hundredi Dominus*, qui & *Centurio* & *Centenarius* appellatur, *Hundredig*; *Aldermannus*, saith *Spelman*.

Justitremers, From *Justicia*, All things belonging to Justice, *Co. on Westm.* 1. fol. 225.

Justices of Laborers, Were *Justices* heretofore appointed to redress the forwardness of laboring-men, that would either idle, or have unreasonable Wages. See 21 *E. 3. cap. 1.* 25 *E. 3. cap. 8.* and 31 *E. 3. cap. 6.*

Justices of Nisi Prius, Are all one at this time with *Justices of Assise*, for it is a common Adjournment of a Cause in the Common-Pleas, to put it off to such a day, *Nisi prius justiciarii venerint ad eas partes ad capiendas Assisas*; and upon this Clause of Adjournment they are called *Justices of Nisi prius* as well as *Justices of Assise*, by reason of the Writ or Action that they have to deal in. Their Commission you may see in *Crompt. Jur.* fol. 204. yet with this difference between them, that *Justices of Assise* have Power to give Judgment in a Cause, but *Justices of Nisi prius* only to take the Verdict. But in the nature of both their Functions, this seems to be the greatest difference, that *Justices of Nisi prius* have to deal in Causes personal as well as real; whereas *Justices of Assise*, in strict acceptance, meddle only with the possessory Writs called *Assise*.

Justices of traile baston, Were a kind of *Justices* appointed by King Edward the First, upon occasion of great Disorders grown in the Realm, during his absence in the Scotch and French Wars. In the *Old N. B.* fol. 52. they are styled *Justices of Tryal baston*: But by *Holmshed* and *Stow*, *Traile-baston*, so called (say they) of *trailing*, or drawing the staff of Justice: Or according to *Co. 12. Rep.* fol. 25. for their summary proceedings, who says also, They were, in a manner, *Justices in eyre*, and their Authority founded on the Statute of *Ragman*. Their Office was to make Inquisition thro' the Realm, by the Verdict of substantial Juries, upon all Officers, as Mayors, Sheriffs, Bayliffs, Escheators, and other touching Extortion, Bribery, and other such Grievances; as intrusions into other mens Lands, Barretors, and Breakers of the Peace, with divers other Offenders; by means of which Inquisitions, many were punished by Death, many by Ransome, and the rest flying the Realm; the Land was quieted, and the King gained great Riches towards the support of his Wars. See *Mat. Westm.* in *Anno 1305*. As to the name *Traile-baston*, there are divers Opinions, some think that *Baston* signifies the Beam of a pair of Scales, and so is metaphorically applied to the just paying of recompence for Offences committed. Others think it may be deriv'd from the French (*Treilles*, i. *Cancelli*) Bars or Lattices, a Grate with cross bars: Others from the word *Treille*, i. *Parvula*, a Frame or Rayl, such as Vines use to run upon; and *Baston*, a Staff or Pole, inferring, that the *Justices* employed in this Commission, had Authority to proceed without any solemn Judgment-Seat, but might without more work proceed wherever they could apprehend the Malefactors they sought for. If I may be admitted to give my thoughts, I suppose, it may be deriv'd from the French word *Tray*, i. to draw; and *Baston*, a Staff; and the reason of this my supposition, is, that the Kings of England having in those times many occasions in France, by reason of their frequent Wars there, and observing that the Marshals of France had a large Power, with which they were invested by the delivery of a *Baston*, (or as we call it a *Bastoun*) the Ensign of their Office and Authority. When they returned and found strange disorders grown here, in imitation of that, erected these *Justices*, who (as they say) had a

Baston delivered them as the Badge of their Office, so that whoever was brought before them was *Traile al Baston*, *traditus ad Baculum*; whereupon with submission, may their Name easily be deduced, and they called *Justices de traile Baston*, or *Justiciarii ad trabendum offendentes ad baculum vel baston*. We find a Commission of *Traile-baston*, coram Rogero de Grey & Sociis suis Justic. apud S. Albanum, Anno Regni Regis E. 3. post conquestum 5. See *Spelmans Gloss.* verbo *Traile-baston*.

Justices of the Pavilion, *Justiciarii Pavilionis*, Are certain Judges of a *Pyre-powder Court*, of a most transcendent Jurisdiction, anciently authorized by the Bishop of Winchester, at a Fair held on St. Giles's Hills near that City, by virtue of Letters Patent granted by King Edward the Fourth. See the Patent at large in *Prymes Animado*. on 4. Inst. fol. 191.

Justices of the Peace, *Justiciarii ad pacem*, Are they that are appointed by the Kings Commission the Peace of the County where they dwell; of whom some, upon special respect, are made of the *Quorum*, because some business of importance may not be dispatch without the presence or assent of them, or one of them. See *Quorum*. The Office and Power of these is so various, being grounded upon several Statutes, that we cannot here recite them, concerning which, both *Fitzherbert*, *Lambert*, and *Crompton* have written Books to their own great Commendation, and the general benefit of the whole Realm. See also *Smith de Repub. Anglor.* lib. 2. cap. 19. They were called *Guardians of the Peace* till the thirty sixth year of Edward the Third, cap. 12. where they are called *Justices*, *Lamb. Eiren.* lib. 4. cap. 19. p. 578. Their Oath see also in *Lamb. lib. 1. cap. 10.*

Justices of Peace, &c. within Liberties, *Justiciarii ad pacem infra libertates*, Are such in Cities and other Corporate Towns, as those others be of any County, and their Authority or Power is all one within their several Precincts, 27 *H. 8. cap. 25.*

Justice-Seat, Is the highest Court that is held in a Forest, and is always held before the Lord chief Justice in Eyre of the Forest, upon warning forty days before; and there the Judgments are always given, and the Fines set for Offences, that were presented at the Courts of Attachments, and the Offenders indited at the *Swain mores*, concerning which, see *Mauwods Forest Law*, cap. 24.

Justiciar, French *Justicier*, A Justice or Justicer, The Lord *Berningham*. *Justiciar of Ireland*, *Bakers*, fol. 118.

Justices, Is a Writ directed to the Sheriff, for the dispatch of Justice in some special Cause of which he cannot by his ordinary Power hold Plea in his County-Court. Hereupon the Writ de *excommunicato deliberando*, is called a *Justices* in the *Old Nat. Brew.* fol. 35. Also the Writ de *homine replegiando*, *Ibid.* fol. 41. And the Writ de *secunda supererogatione pasture*, *Ibid.* fol. 73. There are many Presidents of this in *F. N. B.* fol. 117. in Account, and fol. 152. in Annuity, and fol. 119. in Debt. *Kitchin*, fol. 74. says, That by this Writ of *Justices*, the Sheriff may hold Plea of a great sum, whereas, of his ordinary Authority, he can hold no Pleas, but of sums under forty Shillings, with whom agrees *Crompton*, fol. 231. It is called a *Justices*, because it is a Commission to the Sheriff ad *justiciandum aliquem* to do a Man justice, and requires no return, or any Certificate of what he hath done, *Bract. lib. 4. traill. 6. cap. 13. nam.* 2. mentions a *Justices* to the Sheriff of *London*, in a Case of *Dower*. See the *New Book of Entries*, verbo, *Justicies*.

Justification, *Justificatio*, Is an affirming or shewing good reason in Court, why he did such a thing as he is call'd to answer, as to *justify* in a Cause of Replevin, *Broke*, tit. *Replevin*.

Justificators, *Justificatores*, Seem to signify Compurgators, or such as by Oath justify the innocence, Report or Oath of another, as in the case of waging Law; also Jury-men, because they justify that Party, for whom they deliver their Verdict. See *Spelmans Gloss*.

Kalendar month, Mentioned 16 Car. 2. cap. 7. consists of 30 or 31 days, (excepting February, which never hath more than 28, unless in Leap-year, and then but 29,) twelve of which months being those mentioned in the Kalendar make a Year, which we call vulgarly in the singular number, A Twelve-month. But if in the plural number, we say Twelve-months, then shall it be accounted a month of Weeks, which is but 28 days. See Co. lib. 6. fol. 81. Catesbyes Case.

Kalends, Rural Chapters, or Conventions of the Rural Dean and Parochial Clergy; so call'd, because held on the Kalends, or first day of every Month: As at first every three Weeks, and at last only once a Quarter, and by degrees wholly intermitted, to the great decay of Discipline. See Parochial Antiquities, by Mr. Kennett, p. 640.

Kantref, According to the description of Mr. Humphry Lloyd, out of the Laws and Ordinances of Howeldda, a Kantref had its denomination from one hundred Towns, and signifies as much, under which were contained so many Commots, which the Welsh call *Commot*, and signifies Provincia or Regio, and consisted of twelve Mannors or Circuits, and two Townships. We find the word mentioned in Mon. Ang. 1. part. fol. 319. thus, — *Le premier Conquerer de trois Kantref de la terre de Brecknoch, estoit Bernard de Nefmarch Norman.* See Cantred.

Karite, Carite, The Religious call'd their best Conventual Drink, or their Strong Beer, by this Name; because, I presume, after Meals, they used to drink their *Pocula Caritatis*, or *ad Caritatem*, i. e. their Grace-cups, in this best Liquor. — *Willielmus Powcher Prior Ecclesie Cath. Elyen. & Conventus. — concessimus Magistro Petro Penteley Medico unum corrodium in domo nostra videl. quo libet die duos panes de celario, unum album de passu conventuali vocatum Household loaf & alium nigrum vocatum Black white loaf, & unam mensuram cervisie bone vocata Karite ex eodem vase de quo Conventus ipsi eodem die deseruntur. — Ex Cartular. Eccles. Elyen. MS. penes Joh. Episc. Norwic. MS. And unum Carite was used for one Grace-Cup, as William Prior of Ely, and the Convent, granted to Alice Appilton one daily Corrody, videl. unum panem vocat. Black white loaf, & unam mensuram cervisie melioris conventus seu de dolio conventus vocat. unum Carite per diem, dat. 8. Apr. 1411. ib.*

Karpie, Matthew Paris in the Lives of the Abbots of St. Albans, under Paul the 14th Abbot, Anno 1077. p. 52. — *Minus autem qui de sua consuetudine passillis carnis vescabantur, esus subtraxit inordinatos, & pro carne, de alioce & liberioribus edulis congestum quoddam ferculum ipsi in communi cumularunt. Quod more Normannorum Karpie quasi Karempie sophistice nominavit.* Dr. Watts confesses himself ignorant of the meaning of this word. Du Fresne thinks it was the same with Carpeia, which was a part of Lenten fare, or a dish of falted or dried Fissi, chopp'd and minc'd together with other ingredients to make it more savoury, as we now dress a cold pickled Herring, or what is call'd by the barbarous name of Salmagundy.

Karle, A Saxon word, properly denoting a Man, but with any addition a Servant or Clown. Hence they call'd a Seaman, a *Busearle*, and a Menial Servant, a *Husearle*. See *Husearle*. We may read this word frequently in Selden's *Mare Clausum*, *Doomsday*, and other ancient Records: And probably from hence by corruption, comes the modern word *Churle*.

Karrata sent, A Cartload of Hay, Mon. Ang. part 1. fol. 548. See *Carrota*.

Kay, Kaya & Caya, Is a convenient place fitted

on the shore, for the loading and unloading of Vessels; we commonly call it a *Wharf*. The Verb *Cajare* in old time (says one) signifies (as Scaliger reports) to keep in or restrain, and the Ground where Kays are made is forced and kept in with strong Planks and Posts.

Kayage, Kayagiun, The Money or Toll paid for Wharfage, for loading or unloading of Goods or Wares, Rot. par. 1 E. 3. m. 10. and 20 E. 3. m. 1.

Kebbars, Cooper in his *Thesaurus* renders *Oves rejectula* by *Kebbars* or *Cullers*, drawn out of a Flock of Sheep. But where or why the refuse Sheep are thus call'd, is perhaps not worth enquiring.

Keepe, A strong Tower in the middle of any other Fort or Castle, wherein the besieged make their last Efforts of defence, was call'd a *Keep*. Hence the inner pile of Fortification within the Castle of Dover, erected by K. Henry II. about the Year 1153. was call'd the *King's Keep*. So at *Windsor*, &c.

Kidel, 12 E. 4. cap. 7. See *Kiddle*.

Keeper of the Great Seal, *Custos magni sigilli*, Is a Lord by his Office, and stiled *Lord Keeper of the Great Seal of England*: He is one of the King's Privy-Council; through whose hands pass all Charters, Commissions, and Grants of the King under the *Great Seal*; without which *Seal*, all such Instruments by Law are of no force. For the King is in the interpretation of Law a Corporation, and passeth nothing firmly but under the said *Seal*, which is as the publick Faith of the Kingdom in the high esteem and reputation justly attributed thereto. This *Lord Keeper*, by the Statute 5 Eliz. 18. hath the same Place, Authority, Pre-eminence, Jurisdiction, Execution of Laws, and all other Customs, Commodities, and Advantages, as hath the *Lord Chancellor of England* for the time being. He is constituted by the delivery of the *Great Seal* to him, and taking his Oath, Co. 4. Inst. fol. 87.

Keeper of the Liberties of England by Authority of Parliament. See *Custodes Libertatis*.

Keeper of the Privy Seal, *Custos privati sigilli*, Is a Lord by his Office, through whose hands pass all Charters signed by the King before they come to the *Great Seal*, and some things which do not pass the *Great Seal* at all: He is of the Kings Privy-Council, and was anciently called *Clerk of the Privy Seal*, 12 R. 2. cap. 11. *Gardien del Privy Seal*, in Rot. Parl. 11 H. 4. num. 28. And *Lord Privy Seal*, and one of the great Officers of the Kingdom, by 34 H. 8. 4.

Keeper of the Touch, 12 Henr. 6. 14. seems to be that Officer in the Kings Mint, at this day called *The Master of the Assay*. See *Mint*.

Keeper of the Forest, *Custos Foresta*, Is also called *Chief Warden of the Forest*, *Mamwood Forest Laws*, part 1. pag. 156. and hath the principal Government of all things, and the check of all Officers belonging to the same; and when it pleaseth the Lord Chief Justice in Eyre of the Forest to keep his Justice-Seat, he sends out his Warrant, or general Summons, to him forty days before, for the warning of all Under-Officers to appear before him at a day assigned in the Summons, which see in *Mamwood*, ubi supra.

Kellus, In digging the Tin Mines in Cornwall, next the load or vein of Tin, there is a floor which they call *Spar*, above which lies another kind of substance like a white soft stone, which they call *Kellus*.

Kelp, Made of Sea-wrack or Weed laid on heaps, dried and burned, stirred to and fro with an iron Rake till it condenses and cakes together; used chiefly in making Alom.

Kerbert, — *Inquisitio & extenta terrarum & tementorum, que fuerunt Roberti de Monte alto nuper defuncti, in Refug. in Norf. facta die lune in crastino S. Fidis videlicet Regni Regis Edwardi tertio — item de quadam consuetudine que vocatur Kerhere ad festum S. Michaelis*

chaelu 12 denar. Ex bundello Elchaet. anno 3 Edw. 1. Perhaps a commutation for the Customary Duty of Carrier, or Carriage of the Lords Goods.

Kemigild. (Sax.) *Spel de Concil. 1 Tom. fol. 406. Quare.*

Kennets, A sort of coarse Welsh Cloth, mentioned 33 H. 8. 3.

Kerns, Idle Persons, Vagabonds, *Necknon de illis qui dicuntur homines otiosi, & malefactoribus, qui etiam kernys dicuntur, Ordin. Hibern. 31. E. 3. m. 11. 12.*

Kernellatus, Fortified, or according to the old fashion embattell'd; according to which the Duke of Lancaster claimed to him and his Heirs *Castrum suum de Halton, Kernellatum, 31 E. 3. Pl. de quo Warrant. apud Cestriam.*

Kernellare domum, To build a House with a Wall or Tower, *kernellid* or *crenellid*, with cranies or notches, for the better conveniency of shooting Arrows, and making other defence. *Spelman* derives it from the Sax. *Cynnel*, a seed or kernel; from whence, says he, *Cynnelen*, to rise in knobs or bunches. But *Du Fresne* justly reflects on this violence done to the word, and finds it to be *quarnellus* or *quadranelus*, a four square hole or notch; *ubicumque* patent *quarnelli sive fenestra*. This form of Walls and Battlements for Military uses, and chiefly for shooting with Bows and Arrows, might possibly borrow name from *quadrellus*, a four square Dart.

Nec tamen interea cessat balista vel arcus.

Quadrillos hoc multiplicat, pluit illa sagittas.

It was a common favour granted by our Kings, after Castles were for preventing Rebellion demolish'd, to give their chief Subjects leave to fortifie their Mannor Houses with kernelled Walls. *Licentiam dedimus Johanni de Handlo quod ipse manum suam de Bassall juxta Brebull in Com. Buck. muro de petra & calce firmare & kernellare possit. Dat. 12. Sept. 1312. Paroch. Antiq. p. 353.* Which form of Work does now appear in that ancient Seat of Bassall, *Com. Buck.* in the possession of the very worthy Sir John Aubrey Baronet.

Kerebe, A Cover or Vessel used in a Dairy-House for Milk or Whey. — *Compositus Henrici Deye & Johanne uxoris de exitibus & proventus de Dairy. Allocantur pro novo Kerebe empto viii. den. Baroch. Antiq. p. 386.* In Devonshire a Keree is the Butt or Fatt wherein they work their Beer.

Keyng. — *Robertus de Tuteshale, Episcopus Norwicheus, & Rogerus de Monte alto concesserunt, quod ipsi ex tunc non caperent aut per ballivos suos capere facerent aliquod Theoloneum pro caso & butiro super uncto leguminibus & hujusmodi nisi in grosso venderentur, & quod non caperent aut capi facerent de quinq; pellibus rubris que vocantur Keyng nisi unum obolum tantum. Placit. Parl. 18 Edw. 1.* Whence it seems plain that a Keyng was five Fells or Pelts, or Sheep-skins with their Wool on them.

Keyns, Keys, A Guardian, Warden, or Keeper. — *Nolo etiam quod aliquis Seneschallus, Constabularius, Ballivus, Keys, sive Forestarius, Serviens, vel venator — per terras eorum venientes, ab ipsis nec ab hominibus suis pascantur. — Mon. Angl. Tom. 2. p. 71.* In the Isle of Man, the 24 chief Commoners, who are as it were the Conservators of the Liberties of the People, are call'd the Keys of the Island.

Keyles or **Reeles, Ciuls,** A kind of long Boats, of great Antiquity, mentioned 23 H. 8. 18. *Longe naves quibus Britanniam primo ingressi sunt Saxones, Spelman.*

Kichell, A Cake: It was a good old Custom for Godfathers and Godmothers, every time their God-Children asked them blessing, to give them a Cake, which was call'd a *Gods-Kichell*. It is still a Proverbial saying in some Countries, *Ask me blessing, and I will give you some Plumb-Cake.*

Kidder, Anno 5 Eliz. cap. 12. says, Every person being a common Badger, Kidder, Lader or Carrier. Whereby it signifies one that Badges, or carries Corn, dead Victual, or other Merchandise, up and down to sell; call'd also *Kydders*, 13 Eliz. cap. 25.

Kidole, Kidel or **Koel, Kiddellus,** A Dam or Wear in a River to catch Fish. The word is ancient, For in *Magna Charta*, cap. 24. it is said, *Omnes kidelli deponantur de catere penitus per Thamesiam & Medeweyam & per totam Angliam nisi per Costeriam maris.* And in a Charter granted by King John, Power was granted to the City of London, *De kiddellis amovendis per Thamesiam, & Medeweyam, Anno 1. H. 4. cap. 12.* It was among other things accorded, That a Survey should be made of the Weirs, Mills, Stanks, Stakes and Kidels in the great Rivers of England. In an Inquisition taken at Derby the 15th of Novemb. 4 Eliz. after the death of Thomas Fenderne, Sec. 'Tis said, *Et fuit seiscirus de uno kidello, vocat. a Wear ac de libera piscaria in Potlso, etc. Bundello 3.*

They are now call'd *Kettles*, and *Kettle-Nets*, and are much used on the Sea Coasts of Kent and Wales.

Kilkeith, An ancient servile kind of Payment, for in an old Manuscript 'tis thus written, *Kilkeith pro qualibet Hundrede 2 denar.*

Killagium, *Keelage, Robertus de Brus habet apud Hertepole, portum maris & capit ibi Killagium scil. de qualibet navi cum Batello, applicante ibi octo denar. & de qualibet navi sine Batello quatuor denar. Rot. Parl. 21 Edw. 1. Tit. Northumberland.*

Kilth, *Ac omnes annuales redditus de quadam consuetudine in Enyas-Lacy vocat. Kilth. Par. 7 Eliz. p. 7.*

King, Rex, Is thought by Camden in his *Brit.* pag. 105. to be contracted from the Saxon word *Cuning* or *Coning*, signifying him that hath the highest Power, and absolute Rule over the whole Land; and therefore the King is in intendment of Law cleared of those defects which common persons are subject to; for he is always supposed to be of full age, although never so young, *Crompt. Jur. fol. 134. Kitchin. fol. 1.* He is taken as not subject to death, but is a Corporation in himself, *Crompt. ibid.* He is *supra Legem* by his absolute Power, *Bract. lib. 1. cap. 8. Kitch. fol. 1.* And though for the better and more equal course in making Laws, He do admit the three Estates, that is, Lords Spiritual, Lords Temporal, and the Commons, unto Council; yet this derogates not from his Power; for whatever they Act, He by his negative Voice may quash. See concerning this, *Smith de Rep. Anglor. lib. 1. cap. 3. and Bracton, lib. 2. cap. 16. num. 3. and Britton, cap. 39.* He pardoneth Life and Limb to Offenders against his Crown and Dignity, except such as he bindeth himself by Oath not to forgive, *Stamf. pl. cor. lib. 2. cap. 35.* And *Habet omnia jura in manu sua, Bracton, lib. 2. cap. 24. num. 1.* He may alter or suspend any particular Law that seems hurtful to the Publick, *Blackwood in Apologia Regum, cap. 11.* For the Kings Oath, see *Bracton, lib. 3. cap. 9. num. 2.*

Again, The Kings only Testimony of any thing done in his presence, is of as high nature and credit as any Record; Whence it comes, That in all Writs or Precepts sent out for the dispatch of Justice, He useth no other Witness than himself, always using these words at the end, *Teste Meipso.* Lastly, He hath in the right of his Crown many Prerogatives above any common person, be he never so potent and honourable; whereof you may read at large in *Stamfords Treatise* upon the Statute thereof made 17 E. 2. Also in *Bracton, lib. 2. cap. 24. num. 1. & 2.*

King of Heraldry, Rex Heraldorum, Is a principal Officer at Arms, that hath the Pre-eminence of the Society. See *Herald and Garter.* Among the Romans he was call'd *Pater Patratus.*

King of the Shirells, His Power and Priviledge appears by the following Charter.

Johan per le grace de Dieu, Roy de Castile & de Leon, Duke de Lancastre, a tous ceux, que cestu nos lettres verront ou orront. Saluz saches nous avoir ordonez consistat. Et assignez nostre bien ame le Roy de Minstraulx deins nostre Honneur de Tuttebury quare est, ou qui par le temps jorra par prendre & arrester tous le Minstraulx deins meisme nostre Honneur & Franchise, queux refusant de fair lour services & Minstralcye as eux appartenants, a faire de ancient temps a Tuttebury suis dit annuellement les jours del assumption de nostre Dame. Dinants & grantants au dit Roy des Minstraulx par le temps esteant plein poyer & mandement de les faire resonablement, justifier & constrener de faire lour services & Minstralcyes en maner come appeint, & come illonques ad este use & de ancient temps acoustume. En Testimoignance de quel chose nous avons fait faire cesles nos Lettres Patents, don souz nostre Privy-Seal a nostre castel de Tuttebury le xxii. jour de August le an de Regne nostre tresdulces le Roy Richard Second, quart. Confirmed by Hen. 6. 22 Feb. 21 year of his Reign.

Kings Bench, Bancus Regius, Is the Court or Judgment Seat, where the King of England was sometimes wont to sit in his own Person; and therefore it was moveable with the Court or Kings Household, and called *Curia Domini Regis*, and *Aula Regia*, as Gwin reports in the Preface to his Reading; and that therein, and in the Court of Exchequer, which were the only Courts of the King till Henry the Thirds days, were handled all matters of Justice, as well Civil as Criminal. This Court of the Kings Bench was wont in ancient Times to be specially exercised in all Criminal Matters, and Pleas of the Crown, leaving the handling of private Contracts and Civil Actions to the Common-Pleas, and other Courts, *Glanville lib. 1. cap. 2. 3. 4. and lib. 10. cap. 18. Smith de Rep. Angl. lib. 2. cap. 11. Co. 4. Inst. fol. 70.* and hath president of it, the Lord Chief Justice of England, with three or four Justices Assistants; or according to *Fortescue*, cap. 51. four or five, and Officers thereto belonging, the Clerk of the Crown, a Protonotary, and other inferior Ministers and Attorneys. See *Justice of the Kings Bench*.

Kingeld, Escuage, or Royal Aid. As in a Charter of K. Hen. II. to the Abbot and Monks of Mirevall. *Volo & firmiter precipio, ut sint quieti per totam terram meam de theloneo & de sciru, & de hundredis, & de Wapentachiis, & de Kingeld, & de Denegeld, & de Murdre.* Mon. Angl. Tom. 1. p. 830.

Kings Silver, Is properly that Money due to the King in the Court of Common-Pleas *pro licentia concordandi*, in respect of a Licence then granted to any Man for passing a Fine, *Co. vol. 6. fol. 39. & 43.*

Kings Swan-herd, Magister deducius Cygnorum, Pat. 16. R. 2. Pars 1. m. 38. *Radulphum Scot Custodem Cygnorum nostrorum, &c.* No Fowl can be a Stray but a Swan, *Co. 4. Inst. fol. 280.*

Kintal, Is a certain weight of Merchandise, most commonly of one hundred pounds, or something under or over, according to the several uses of divers Nations. *Plowden fol. 3.* mentioned 2000 Kintals of Wood in the Cafe of Reniger and Fogassia.

Kipt, A Basket made of Officers, broader at the bottom, and narrowed by degrees to the top, but left open at both ends, which they use for taking Fish; as particularly upon Otmore in Oxfordshire, where they call this way of treading the Water, and clapping down the Basket, and then groping for the Fish enclosed, *Kiping* and going to *Kipt*. From the

Sax. Cypa, a Basket. It is strange to observe, That this very manner of Fishing with Baskets of the same kind and shape, is practis'd by the barbarous Inhabitants of Ceylon in the East-Indies, as appears in the relation and figure of it given by Mr. Knox in his Travels, p. 28.

Kipper-time, That no Salmon be taken between Graveend and Henly upon Thames in Kipper-time, viz. between the Invention of the Cross (3 May) and the Epiphany. Rot. Parl. 50 Edw. 3.

Kirbyes Quota, Is an ancient Record remaining with the Remembrancer of the Exchequer, the meaning and Etymology whereof will appear by what follows. *Memorandum, quod Anno Domini 1277. Anno Regni Regis Edwardi filii Regis Henrici quinti, misit idem Rex per totam Angliam Ballivos inquirere, sub juramento & in secreto de universis terris Anglie per Johannem de Kirby thesaurarium suum, quisquis teneret & cujus feodi & quantum & cujus Regis tempore feoffati essent.* Ex Regist. Glaston. Canonii penes Rad. Sheldon Ar. fol. 71.

Kit-floor, A certain Bed in a Coal-Mine. As at Wednesbury in Staffordshire; the 4th parting or laming in the Body of the Coal, is call'd the Kit-floor one foot thick.

Knave, An old Saxon word for a Man-Servant, and so is used, 14 E. 3. Stat. 1. cap. 3. And *Verfhegan* in his *Restitution of decayed Intelligence*, c. 10. believes it is borrowed of the Dutch *Cnapa*, which signifies the same thing. And that is some kind of Officer or Servant, as *Schild-knape* was he that bore the Weapon or Shield of his Superior, whom the Latines call *Armigerum*; and the French *Escuyer*. The word is now perverted to the hardest meaning, a false and deceitful Fellow. But it had a sense of simplicity and innocence; it first signified a Child or Boy, Sax. *Cnapa*, whence a *Knave-Child*, i. e. a Boy distinguished from a Girl in several old Writers. — A *Knave-Child* between them two they gate. — *Gower*, Poem f. 52. 106. And *Wickliff* in his old Engl. Translation, Exod. 1. 16. If it be a *Knave-Child*, i. e. A Son or Male Child. Afterward it was commonly taken for a Servant Boy, and by degrees for any Serving Man: As in the Vision of *Piers Plowman*, Cokes and her *Knaves* cryden hote Pyes hote. i. e. Cooks and their Boys, or Skullions.

Knight, Miles, Is almost one with the Saxon *Cniht*; with us it signifies a Person that beareth Arms, who for his virtue, and specially Martial Prowess, is by the King, or one having the Kings Authority, singled from the ordinary sort of Gentlemen, and raised to a higher step of Dignity. This among all Nations, takes his Name from the Horse, because in ancient times they served in the War on Horseback. The Romans called them *Equites*: The Italians term them *Cavallieri*: The French *Chevaliers*: The Germans *Reyters*: The Spaniard *Gavalleros*, &c. It appears by the Stat. Anno 1. E. 2. cap. 1. That in ancient times a Gentleman having a full Knights Fee, and holding his Land by Knights-service, might be urged by distress to procure himself to be made Knight when he came to full age. But by the Statute 17 Car. 1. cap. 20. It is Ordained, That no Man shall be compelled to take the Order of *Knighthood*, &c. The manner of making *Knights*, *Camd.* in his *Brit.* pag. 111. shortly expresseth in these words, *Nostris vero temporibus qui equestrem dignitatem suscipit, flexis genibus edueto gladio leviter in humero percutitur. Princeps his verbis Gallice effatur, sis Chevalier au nom de Dieu, that is, sis eques nomine Dei.* The solemnity of making *Knights* among the Saxons, *Stow* mentions in his *Annals*, pag. 159. See the Priviledges belonging to a Knight in *Fernes Glory of Generosity*, pag. 116. Of these there be two sorts, *Knights Spiritual* and *Knights Temporal*, *Cassanovus* in gloria

gloria Mundi, part. 9. *considerat*. 2. Discourses at large of them. The temporal or second sort of *Knights*, *ferne* in his *Glory of Generosity*, pag. 103. makes here among us threefold, *Knights of the Sword*, *Knights of the Bath*, and *Knights of the Garter*, *Shene de verbor*. Significat. verbo *Milites*, saith, That in the ancient Laws of *Scotland*, Free-holders were called *Milites*, which may seem to have been a Custom with us. Also by divers places in *Bratton*, who saith, That *Knights* must be in Juries, which turn Free-holders do now serve. See *Selden's Titles of Honour*, fol. 770.

Knights-Court, Is a Court-Baron or Honor-Court, held twice a Year under the Bishop of *Hereford* at his Palace there; wherein those who are Lords of Mannors, and their Tenants holding by *Knights Service*, of the Honor of that Bishoprick, are Suiters. *Butterfield's Surv.* fol. 244. If the Suiter does not appear at it, he forfeits 2 s. for *Suit-Silver* for respite of Homage.

Knights of the Garter, *Equites Garterii*, or *Periscelidis*, are an Order of *Knights* first created by King *Edward* the Third, after he had obtained many notable Victories, who, for furnishing of this Honorable Order, made a choice out of his own Realm, and all Christendom, of the best and most excellently Renowned *Knights* in Virtue and Honor, bestowing this Dignity upon them, and giving them a blue *Garter*, decked with Gold, Pearl, and precious Stones, and a Buckle of Gold, to wear daily on the Left Leg only, a Kirtle, Crown, Cloak, Chaperon, a Collar, and other stately and magnificent Apparel, both of stuff and fashion; exquisite and heroical to wear at high Feasts, as to so high and Princely an Order was meet. Of which he and his Successors, Kings of *England*, were ordained Sovereigns, and the rest Fellows and Brethren, to the number of twenty six, *Smith de Rep. Anglor. lib. 1. cap. 20*. This Honorable Society is a Colledge or Corporation, having a common Seal belonging to it, and consisting of a Sovereign Guardian, which is the King of *England*, that always Governes this Order by himself, or his Deputy; Of twenty five Companions called *Knights of the Garter*, of fourteen secular Chanoys that be Priests, or must be within one Year after their admission; thirteen Vicars, also Priests, and twenty six poor *Knights*, that have no other Sustainance, or means of Living, but the allowance of this House, which is given them in respect to their daily Prayer to the honor of God and *St. George*. There be also certain Officers belonging to this Order, viz. The Prelate of the *Garter*, which Office is inherent to the Bishop of *Winchester* for the time being; the Chancellor of the *Garter*; the Register, who is always Dean of *Windfor*; The Principal King at Arms, called *Garter*, whose chief business is to manage and marshal their Solemnities at their yearly Feasts and Installations. Lastly, The Usher of the *Garter*, who is also the Usher of the *Black-Rod*. The seite of this Colledge is the Castle of *Windfor*, with the Chapel of *St. George*, erected by *Edward* the Third, and the Chapter-House in the said Castle, and their Solemnity upon *St. George's* day. *Camden* saith, This Order receiv'd great Ornament from *Edward* the Fourth. *Ferne's Glory of Generosity*, pag. 120. And that most Pious Prince *Charles* the First, as an addition to their Splendor, ordered all the Companions of the Order to wear on the left side of their upper Garment, the Cross of *England* encircled with the *Garter* and Motto, from whence round about are cast beams of Silver like the Rays of the Sun in full lustre. See *Garter*. I hear of a large Tract concerning this Order, written by *Elias Ashmole* Esq. which see for further satisfaction.

Knights Banneret See *Banneret*.

Knights of the Bath, *Milites balnei vel de balneo*,

Are an Order of *Knights* made within the Lifts of the Bath, and girded with a Sword in the Ceremony of his Creation. *Ferne's Glory of Generosity*, 105. These are spoken of *8 E. 4. cap. 2*. For the Antiquity and Ceremony of their Creation, see *Mr. Dugdale's Description of Worcester-shire*, fol. 531, 532. They are so called from *Bathing* the Night before their Creation. They take place of *Knights Batchelors*, but come after *Baronets*.

Knights of the Order of St. John of Jerusalem, *Milites Sancti Johannis Hierosolymitani*, were an Order of *Knighthood* that began about the Year of Our Lord 1120. *Honorius* being Pope, they had their denomination from *John* the Charitable Patriarch of *Alexandria*, though vowed to *St. John the Baptist* their Patron; *Ferne's Glory of Generosity*, pag. 127. They had their Primary abode at first in *Jerusalem*, and then in the *Ile of Rhodes*, until they were expelled thence by the *Turks*, Anno 1523. Since which time their chief Seat is in the *Ile of Malta*, where they have done great Exploits against the *Infidels*, but specially in the year 1595. They live after the Order of *Friers*, under the Rule of *St. Augustine*. Of whom mention is made in the Stat. 25 H. 8. cap. 2. and 26 H. 8. cap. 2. They had in *England* one general Prior that had the Government of the whole Order within *England* and *Scotland*, *Reg. Orig.* fol. 20. and was the first Prior of *England*, and sate in the Lords House of Parliament. But towards the end of *Henry* the Eighth's days, they in *England* and *Ireland* being found over-much to adhere to the Pope against the King, were suppressed, and their Lands and Goods given to the King, by 32 H. 8. 24. The occasion and propagation of this Order more especially described, you may read in the Treatise, entituled, *The Book of Honor and Arms*, lib. 5. cap. 18. written by *Mr. Richard Jones*.

Knights of Malta, See *Knights of the Order of St. John of Jerusalem*.

Knights of Rhodes, 32 H. 8. 24. See *Knights of the Order of St. John of Jerusalem*.

Knights of the Temple, *Templarii*, Otherwise called *Templers*, was an Order of *Knighthood* instituted by Pope *Gelasius*, about the Year of Our Lord 1117. and so called, because they dwelt in a part of the Building belonging to the Temple at *Jerusalem*, not far from the Sepulchre of our Lord. They entertained Christian Strangers and Pilgrims charitably, and in their Armor led them through the Holy Land, to view the Sacred Monuments of Christianity, without fear of *Infidels*. This Order increasing and continuing by the space of 200 years, was far spread in Christendom, and namely here in *England*; but in process of time, some of them at *Jerusalem* being (as some report) found to fall away to the *Saracens* from Christianity, or rather, because they grew too potent, the whole Order was suppressed by *Clement Quintus*, 1309. and by the Council of *Vienna*, 1312. and their substance given partly to the *Knights of St. John of Jerusalem*, and partly to other Religious, *Cassan. de gloria Mundi*, part. 9. *confid.* 5. and Anno 1. cap. 24. These flourish'd here in *England* from *Henry* the Seconds days, till they were suppress'd. They had in every Nation a particular Governor, whom *Bratton lib. 1. cap. 10.* calls *Magistrum militum Templi*. The Master of the Temple here was summoned to Parliament, 49 H. 3. m. 11. in *Schedula*; and the chief Minister of the Temple Church in *London* is still called *Master of the Temple*. Of these *Knights*, read *Dugdale's Antiquities of Warwick-shire*, fol. 706. In ancient Records, they were also called *Patres Militis Templi Solomonis*, *Mon. Ang.* 2 part. fol. 554.

Knights of the Chamber, Milites Camera, mentioned in 2 *Inst.* fol. 666. And in *Rot. Pat.* 29. E. 3. part. 1. m. 29. seem to be such *Knights* Bachelors as are made in time of Peace, because *Knighted* commonly in the *King's Chamber*, and not in the *Field*, as in time of War.

Knights of the Shire, Milites Comitatus, otherwise called *Knights of the Parliament*, are two *Knights*, or other Gentlemen of worth, that are chosen in *Pleno Comitatu*, by the Free-holders of every County that can dispend 40 s. per Annum, and be resident in the *Shire*, Anno 1 H. 5. cap. 1. & 10 H. 6. cap. 2. upon the *King's Writ*, to be sent to the *Parliament*, and there to consult and advise concerning the Publick Affairs of the Realm: These, when every Man that had a *Knight's Fee*, were constrained to be *Knights*, were of necessity to be *Milites gladio cincti*, and so the *Writ* still runneth, *Crompt. Jur. fol. 1.* But now Custom allows Esquires to be chosen to this Office, 23 H. 6. 6. So that they be resident in the County. For the choice of these *Knights*, See the *Statutes*, 7 H. 4. 15. 11 H. 4. 1. 6 H. 6. 4. 8 H. 6. 7. 23 H. 6. 15. with others; and the *New Book of Entries*, verbo *Parliament*. Their Expences are to be born by the County during the *Parliament*, 35 H. 8. 11. but that is of late disused in some measure.

Knight Marshal, Marescallus Hospitalis Regis, Is an Officer in the *King's House*, having Jurisdiction and Cognizance of any Transgression within the *King's House* and *Verge*, as also of *Contracts* made there, whereunto one of the *House* is Party, *Reg. Orig. fol. 185. & 191.* and *Spelman's Gloss. in verbo Marescallus*.

Knight-service, Servitium militare, was a Tenure, whereby several Lands in this Nation were held of the *King*, which drew after it *Homage*, *Esuage*, *Wardship*, *Marriage*, &c. but taken away by 12 Car. 2. cap. 24. In *Domesday Book* some Land holden by *Knights-service* is called *Tainland*, and Land holden by *Socage*, *Reveland*, fol. 86. a.

Knight's Fee, Feodum militare, Is so much Inheritance as is sufficient yearly to maintain a *Knight* with convenient Revenue, which in *Henry the Third's* days was 15 l. *Camd. Brit. pag. 111.* But *Sir Thomas Smith* in his *Repub. Angl. lib. 1. cap. 18.* rateth it at Forty Pounds. And I find in the *Statute for Knights*, Anno 1 E. 2. cap. 1. that such as had Twenty Pounds in Fee, or for term of Life, might be compelled to be *Knights*; but this Statute is repealed, 17 Car. 1. cap. 20. *Stow* in his *Annals*, pag. 285 saith, There were found in *England*, at the time of the *Conqueror*, 60211 *Knights Fees*: Others say 60215, whereof the Religious Houses, before their suppression, were possessed of 28015, — unde octo Carucate terre faciunt feodum unius militis, *Mon. Ang. 2. par. fol. 825.* Of this you may read more in *Seldons Titles of Honor*, fol. 691. and *Bract. lib. 5. traft. 1. cap. 2.* and *Co. on Lit. fol. 69.* A *Knights Fee* contained twelve *Plov-lands*, 2 par. *Inst. fol. 596.* or 600 acres of Land. *Knights Fee* is sometime used for the Rent that a *Knight* payeth for his Fee to his Lord, of whom he holdeth; and this was uncertain, as appears by *Bracton*, lib. 5. traft. 1. cap. 2.

Knop, A Knob, Nob. Boffe, or Knot--Textus super Evangelis cum uno clasp habens ex uno latere quinq; Knopas argenteas, &c. *Mon. Angl. Tom. 3. p. 365.*

Knighten-geld, Was a Guild in *London*, consisting of nineteen *Knights*, which *King Edgar* founded, giving unto them a Portion of void Ground, lying without the Walls of the City, now called *Port-joken Ward*, *Stow's Annals*, pag. 151. This in *Mon. Ang. 2. par. fol. 82.* is written *Cnūtenegild*.

Kydders, 13 Eliz. cap. 25. See *Kidder*.

Known-utu, The Lollards or good Christians in *England* called *Hereticks*, for opposing the corruptions and errors of the Church of *Rome* before our happy Reformation, went commonly under the name of *Known-men*, and *Just Fast-men*; which Title was first given them in the Diocese of *Lincoln*, under *William Smith Bishop* 1500. See *Fox Martyrol*, Vol. 2. pag. 32, &c.

Knappa — Dedi unum virgatum de Knappa quam Adreas tenuit, & totam terram de Fernbusl — In another Charter, the same Donation is thus said— Dedi unum virgatum terre de Chueppa, quam Andreas tenet. *Cartular. Abbat. Rading. MS. p. 94.*

Kylw. — Et sint quere de passu & Kylyw & omnibus aliis exactionibus, quas Forestarii & alii ballivi solent exigere, Mon. Ang. 1 par. fol. 722. Perhaps it may signifie some Liquid thing, exacted by Foresters. See *Scotale*. We have to this day in the North the word *Kele*, which the Country people use for Liquid Viduals.

Kyste, A Coffin or Chest for Burial of the dead, Sir Tho. Chamberworth Rt. made this Fanciful Will in the Year 1450. — Furst, I Gyff, My Sawle to God my Lord and my Redemptor, and my wrechid Body to be Beryed in a Chitte without any Kysle in the North yle of the Parish-Kirke of Somerctby — But I will my Kyste be made and stand by, and at my Bereall Giff it to hym that fills my Grave. Ex Reg. Marmaduci Lumley Episc. Lincoln. MS.

L

Label, The narrow slip of Paper or Parchment affixed to a Deed or Writing, for an appending Seal, is called a Label. So any Paper annexed by way of addition or explication to a Will or Testament, is called a Codicil or Label.

Laborantis, Is a Writ that lies against such as having not whereof to live, do refuse to serve, or for him that refuseth to serve in Summer where he served in Winter, Reg. Orig. fol. 189.

Laches, Cometh of the French Lascher, id est, Laxare; or Lasche, ignavus, and signifies slackness or negligence, as appears in Littleton, sect. 403 & 726. where Laches of Entry is nothing else but a neglect in the Heir to enter; whereupon, I take liberty to guess, that it may be an old English Word, as when we say, There is Laches of Entry, it is all one as if we should say, There lack is of Entry, or there is lack of Entry; and indeed it hath no other signification, for so is it used, Lit. fol. 136. and Old Nat. Brev. fol. 110. So where a Man ought to make or do a thing, and he makes or does it not, I of his Laches cannot have an Assise, but must take an Action upon the Case. See Cook on Lit. fol. 246 & 380.

Lade, A Lade, Lath or Court of Justice, from Sax. Iathian, to Convene or Assemble. Hence the Annual Court at Dim-Church in Romney-Marsh, held about Michaelmas, for the Election of a Bayliff and other Officers, is called the Lath, and Dim-church-lath. See Leits.

Lada. A purgation by Trial, from Sax. Ladian, to purge by submission to any Legal Method of acquitment. Hence the Lada simplex, and the Lada-triplex, or Lada plena, among our Saxon Ancestors, mentioned in the Laws of K. Ethelred, and of Hen. 1. See Spelman's Gloss.

Lada, A Lade, Load, or course of Water, — Ex parte scilicet orientali navigit vel Ladæ usq; ad locum qui dicitur Gangestede. Histor. Rames, Edit. Gale, cap. 113. Where Navigium is properly Navigerium, and has the like Sense of a Navigable River.

Lafordswick, Is derived from the Saxon *Hlaford Dominus & swic prodicio, Infidelitas erga Dominum*, a betraying our Lord and Master. In the Laws of Henry the First, cap. 13. *Quadam Placita emendari, (i. Quasdam crimina expiari) non possunt*, Husbrecht, Bernet, O-penthesse, Ebermath, and Lafordswick, which word is also found in *Canutus Laws*, cap. 61. which some Authors have written corruptly *Labordswick*.

Laga-Lex, The Law, *Lagam Regis Edwardi vobis reado, cum illis emendationibus, quibus Pater meus eam emendavit*, says *Magna Charta*. Hence we deduce *Saxon-lage*, *Merces-lage*, *Dane-lage*, &c.

Lagedayum, *Laghdaya* Law day or time of open Court — *Una cum omnibus sanctis Lagedayorum que prior de Lede, & omnes alii eorum tenentes debuerunt ad Laghdaya a mea de Nementon pertentencia que de ipsis tenent in Hundredis predictis. Charta Almerici de Lucy apud W. Thorn sub anno. 1280.* — *Sint quieti de festis illius Hundredi* — excepto quod villani sui ter in anno venient ad la Laghdaya ad presentandum placita coram sine occasione. Mon. Ang. Tom. 1. p. 279.

Lageman, *Homo habens legem*, or as we term it, *Homo legalis*, such as we now call *Good men of the Jury*, which in the Writ are styled, *Probes & legales homines*. The word is frequently used in *Doomsday*, and in the Laws of Edward the Confessor, cap. 38. Thus *Postea inquisisset Iusticia per Lagamannos, & per meliores homines de burgo*, &c.

Lagen, *Lagena*, *Fleta*, lib. 2. cap. 8, 9. In ancient time it was a Measure of six Sextarii. *Donatio insuper de sex Lagenis olei annuatim. Carta, 2 E. 3. m. 25. n. 82. See Minstrel.*

Lagon or **Lagan**, Is such a parcel of Goods as the Mariners in danger of Shipwrack cast out of the Ship, and because they know they are heavy and sink, they fasten to them a Buoy or Cork, that so they may find and have them again. If the Ship be drowned, or otherwise perish, these Goods are called *Lagan* or *Ligan*, a *ligando*; and so long as they continue upon the Sea, they belong to the Admiral, but if they are cast upon the Land, they are then called a *Wreck*, and belong to him that hath the *Wreck*, as appears in *Co. lib. 5. fol. 106.*

Lacterta, is a Word mentioned in *Doomsday Book*, and there signifies a Fathome.

Lablite, *Laghlite*, *Laghlite*, *Transgressio Legis*, A breach of the Law, and sometimes the punishment for breaking the Law. *Si quis Dei reſtitutiones per vim teneat, solvat Lablite cum Dacis, plenam Wytam cum Anglis*, Leg. Hen. 1. cap. 13. Lamb. Explic. of Saxon Words, verbo *Mulla*.

Lairtwice, *Lecherwite* and *Legergeldum*, *Pena vel mulla* aſſentientium in Adulterio & Fornicatione, which Priviledge did anciently belong to some Lords of Mannors, in reference to their Villains and Tenants, which *Fleta*, lib. 1. cap. 47. seems to infer. See *Co. 4. Inst. fol. 206.*

Laisel-liss, Anno 1. R. 3. cap. 8.
Lambote, — *Manerium de Berton parva reddit aula Thomæ de Redgrave annuatim ad pascha, 1111. denar. & aula de Cnapwel de Tudenham annuatim, 11. Denar. to quod le pyse molendini Domini debent jungere pastura de Tudenham, & habere in illa pastura Lambote.* — Ex *Cartular. S. Edmundi*, MS. f. 111.

Lammesilver, *Integre antiquas consuetudines Abbatie de Sancto Edmundo*, — *Capiunt etiam quidam, ex predictis Servientibus Glovesilver in festo S. Petri ad vincula & habent eodem die, 1. den. ad Lammesilver, & quicunque capit unum den. ad Glovesilver habebit eodem die 1. ob. ad Lammesilver. Ex Cartular. S. Edmundi*, MS. p. 323.

Lammas-day, Is the first of August, so called, *quasi Lamb-man*, on which day the Tenants that held Lands

of the Cathedral Church of York, which is dedicated to St. Peter ad vincula, were bound by their Tenure to bring a living Lamb into the Church at High Mass. See *Rule of August*.

Lancetti, *Volo etiam quod habeant omnia americana hominum suorum, tam liberorum quam Lancetorum in Leta mea, Carta. Wil. de Albineo, Canobio Wimundham.* These Lancetti were *Agricola quidam sed ignota speciei*, Spelman.

Lancetragium, — *Willielmus de Blanchewil tenet novem acras in Polingelland, que fuerunt eschatra unde quatuor acra fuerunt libera & quing. acra Lancetragii-Johannes Filius Richardi tenet XX. acras per cartam que fuerint Lancetragii de Domo Gilberti de Alvedon. Cartam. Sancti Edmundi. MS. f. 401.*

Landa, An open Field without Wood.

Land-boc, A Charter or Deed, whereby Lands or Tenements are given, or held, *sic Anglo Saxones Chartas & instrumenta, nuncupant, prædiorum Sessiones, jura & firmitates continentia*, says the Learned Spelman; And we read in *Concil. Synodal. apud Clouesio, Anno Dom. 822. ut præfata Abbatissa prænominatam terram & cum libris quos Angli dicunt Land-boc*, — in perpetuum hereditatem traderet.

Landegandman, Was according to Spelman one of the inferior Tenants of a Mannor; the word is used in *Culthmar. de Hechan.*

Land-cheap, An ancient customary Fine, paid either in Cattel or Money at every alienation of Land lying in some peculiar Mannor, or the liberty of some Borough. As at Malden in Essex, there is yet a Custom, that for certain Houses and Lands sold within that Borough, thirteen pence in every Mark of the Purchase-Money shall be paid to the Town; and this Custom of Land-cheap they claim *inter alia*, by a Grant made to that Town by the Bishop of London, Anno 5. H. 4. Sommer in his Saxon Dictionary says, *Landcheap est fortasse pretium fundi pacto datum vel debitum.* The word is also read in *Spel. de concil. vol. 1. fol. 502.*

Land-gable Is, a Tax or Rent issuing out of Land, according to *Doomsday*, *Census prædialis vel tributum quod a prædii colligitur*; that is, says Spelman, a penny for every House; the Welsh use *Prigardel* for *Languvel*.

This Landgavel or **Landgable** in the Register of *Doomsday*, was a Quit Rent for the Sile of a House, or the Land whereon it stood, the same with what we now call *Ground-rent*. — *Tichi Filius Outi habuit in Civitate XXX Mansiones præter suam Hallam & duas Ecclesias & dimidiam, — & super Mansiones habuit locatorem, & præter hoc de unaquaque unum denarium, id est Landgable. Doomsday, Lincoln.*

Landmetra, *Aggermensura*, Measures of Land so called of old, *Landmetra autem est terra limes vel metra.*

Landmetra. Those Services and Duties which in the Saxon times were laid upon all that held Land, which were three Obligations called *Trinoda necessitas*, Expedition, Burghbote and Brigbote: Which Duties the Saxons did not call *servitia*, because they were not Feodal Services arising from the condition of the Owners, but *Landmetra*, Rights that charged the very Land whosoever did possess it, Church or Layman. Vid. *Spelman of Fends. cap. 10.*

Landreus, *quare an Landreus, Homines tam extra burgum quam infra debent eadem libertate frui infra banleucam præter Landreos de Herdwesky & pares eorum* — *Cartular. S. Edmundi, MS. f. 316.*

Land-man, *Terriola*, The *Terre-Tenant*.

Land-tenant, Is he that actually possesses the Land, or hath it in his manual Occupation, 14. E. 3. Stat. 5. cap. 3. 23 E. 3. cap. 1. 26 Ed. 3. Stat. 5. cap. 2. See *Terre-Tenant*, & 12. R. 2. cap. 4. & 4 H. 4. cap. 8. it is joyn-ed

ed with this word Possessor, as Synonymon, Anno 1 H. 6. cap. 5. See *Terre-tenant*.

Langmanni. Item in ipsa civitate erant 12 Lange-
manni, i. habentes Socam & Sacam, Doomday, tit.
Lincolnshire.

Land, Terra, in a general and legal signification,
includeth not only all kinds of Grounds, as Meadow,
Pasture, Arable, Wood, &c. but Houses and all Edi-
fices whatsoever; but in a more restrained sense it is
taken only for Arable Ground, Co. on *Lit. lib. 1. cap.*
2. sect. 14. says, *Terra est nomen Generalissimum &*
comprehendit omnes species terra, but properly *terra di-*
citur a terendo, quia vomere teritur; and anciently it
was written with a single *r*, and in that sense includes
whatever may be Plowed. The Earth hath in Law a
great extent upwards, for *Cujus est solum ejus usque ad*
cælum, Co. 9. Rep. *Alweds Case*.

Lana placabilis. Fine-wool. — *Noveritis*
nos teneri in centum laccis bone lane & placabilis sine
col. & gard pro certa summa pecunie. Cartular. Radings.
MS. f. 208.

Langetrode — In Collingham, — *quislibet*
duo bovata terra facient unum quarterium de brasio orde,
vel duo quarteria de brasio avena, vel reddent, 111.
denar. in festo Apostolorum Petri & Pauli; item quali-
bet duo virgata facient 1 Langerode, vel dabunt 1111
den. in eodem festo. — *Ex Cartulario S. Petri de*
Burgo, Swaffham dioc. MS. f. 139.

Lanis de crescentia *Wallas tradendis absque*
Cuduma, &c. Is a Writ that lyeth to the Customer
of a Port, for the permitting one to pass over Wools
without Custom, because he hath paid Custom in
Wales before. See the Register, fol. 279.

Lanterium. The Lantern, Cupolo, or top of a
Steeple. — *Walterus Skyrlaw Episcopus Dunelmensis*
(obit 1405) magnam partem campanilis, vulgo Lan-
terii, Ministerii Eboracensis construxit, in medio cujus
operis arma sua posuit, Angl. Sacr. P. 1. p. 775.

Lano uiger. — One sort of Bale coin. *Rex*
misit Johannem de Gloucester ad monetam retonsam
& contrasallam — arrestandum — idemq; Johannes
ad Sandwic accedens, — invenit ibidem monetam quan-
dam videlicet nigram Lanonem in partibus illis com-
munitur currentem — & inhibuit ne moneta illa de ce-
tero crederet. Memorand. in Saccario. Mich. 22. E. 1.
by Sir John Maynard.

Lapis Parmorins. *Qui quidem Henricus de*
Cliff (Clericus Rotulorum) in magna Aula Westmin. apud
Lapidem Marmorum in presentia Domini Cancellarii pre-
stitit sacramentum &c. Claus 18 Edw. 2. in 1. Dorso.
This Marble-stone is about 12 foot long and 3 foot
broad, and remains to this day at the upper end
of Westminster-Hall, where there is also a Marble-
chair placed at the middle of it, in which our Kings
anciently Sate at their Coronation Dinner, and at other
times the Lord Chancellor; but over this Marble-
Table and Chair, are now erected the Courts of Chan-
cery, and Kings-bench. See Orig. Jurid. fol. 27.

Lapse, Lapsus, Is the omission of a Patron to pre-
sent to a Church, within six months after voidable; by
which neglect, title is given to the Ordinary to col-
late to the said Church: We say that Benefice is in
lapse, or lapsed, whereunto he that ought to present
hath omitted or slipped his opportunity, 13 Eliz. cap.
12. This Lapse happens, as well the Patron being
ignorant of the avoidance, as Privy, except only up-
on the resignation of the former Incumbent, or the
deprivation upon any cause comprehended in the
Statute 13. Eliz. 12. *Pamor. in cap. quia diversitatem*,
num. 7. *de concess. Præbend. &c.* In which cases
the Bishops ought to give notice to the Patron.

Lardarium. The Larder, or place where the
Lard and Meat were kept. — *Tenentes de Pidington*

cariabant salem Domini de foro ubi emptus fuerit ad
Lardarium Domini. Paroch. Antiquit. p. 496. Whence
Larderarius Begis, the Kings Larderer, or Clerk of the
Kitchen.

Lardose. In the Quire of the Cathedral of
Durham, the high Altar and S. Cuthbert's Ferretory is
all of the French *Pierre* curiously wrought, both inside
and outside, with fair Images on Alabaster and Gilt,
being called in the ancient History, the *Lardose*. *Du-*
vies Rites and Monum. of Durham, p. 12.

Larceny, Latrocinium, Is a wrongful taking away
another mans Goods, with a mind to steal them; and
it is derived of the French *Larcen*, i. *furtum*; and in
respect of the thing stolen is of two sorts, viz.
Great, which is called *Theft* simply, where the things
stolen exceed not the value of twelve pence, and
that is Felony. And *Petit Larceny*, when the Goods
stolen exceed not the value of twelve pence, *West.*
part. 2. Synb. tit. Inditements. But he differeth from
Bracton. lib. 3. tract. 2. cap. 32. num. 1. Of this see
more *Stamf. Pl. Cor. lib. 1. cap. 15, 16, 17, 18,*
19. See also *Spelman*, who calls *Minuta furta*, Petty
Larcenies, ex *Affisis*, Hen. 2. *Clarendonia editis*,
&c.

Lardingmoney. In the Mannor of Bradford in
Com. Wilts, the Tenants pay to the Marquis of
Winchester their Landlord a small Yearly Rent, by
this name, which I conceive to be for liberty to Feed
their Hogs with the Mast of the Lords Woods, the
Fat of a Hog being called *Lard*. Thus Mr. *Blunt*,
who seems mistaken in the Etymology, it seems ra-
ther a commutation for some customary service of
Carrying Salt or Meat to the Lord's Larder.

Larons, Is the French Word for Thieves. In the
Statute for view of *Frank-pledge* made 18. Ed. 2. the
fourteenth Article, to be given in charge at a Leet, is
of *Petty Larons*, as of *Geefe, Hens, &c.*

Lashlite, It denoted the Danish common Forfeiture,
which was twelve Ores, every Ore valuing about six-
teen pence sterling, *Seldens History of Jythes*, pag.
203.

Last, Signifies in general a Burden, and particu-
larly a certain Weight or Measure. As a *Last* of Pitch,
Tar or Ashes, contains fourteen Barrels, 32. H. 8. 14.
A *Last* of Hides or Skins, twelve dozen, 1 Jac. 33.
A *Last* of Codfish, twelve Barrels, 15 Car. 2. 7.
A *Last* of Herring contains twenty Cades, or ten
thousand, every thousand ten hundred, and every
hundred sixscore, 51 H. 3. stat. 2. cap. 2. A *Last* of
Corn, &c. is ten Quarters. A *Last* of Wool is
twelve Sacks. A last of Leather is twenty Dickers,
and every Dicker ten Skins; of unpack'd Herrings,
eighteen Barrels make a *Last*: Also *Last* in the Mar-
shes of *East-Kent*, signifies a Court held by twenty
four Jurats, and summoned by the two Bayliffs
thereof, wherein they make Orders, lay and levy
Taxes, &c. for the preservation of the Marshes. See
the *History of Imbanking and Drayning*, fol. 54.

Last here, Ultimus heres, Is he to whom Land
comes by Escheat, for want of lawful Heirs, that is,
the Lord of whom they held in some cases, but in
others the King. *Quippe Rex omnium heredum*
ultimus est, ubi Oceanus omnium fluviorum receptacu-
lum, Bract. lib. 7. cap. 17.

Ladage or Lettage, Lastagium, Is a Custom exacted
in some Fairs and Markets, to carry things where one
will, according to *Rassal*. But 21 R. 2. cap. 18. it is
taken for the Ballast of a Ship. In a Charter of Hen.
3. to the Monastery of *Sempringham*, we read — *Et*
sint quieti de Theolonia & Pontagio, & Passagio, & Pe-
dagio, & Lastagio, &c. where we must take it in the
former

former signification. So also in *Diplom. H. 1. de libertatibus London*, we find, *Omnes homines London sint quieti & liberi & omnes res eorum per totam Angliam & per portus maris, de Theolonio, & Passagio, & Lastagio, & ab omnibus aliis consuetudinibus*, Lastage, according to others, is properly a Custom paid for Wares sold by the Last.

Latta. *Sides-men*. Companions, Assistants, — *Novit autem vestra discretio quod salus Ecclesie Anglicane, & etiam Regni plurimum dependet, a venerabili Patre Domino Arepo Cantuariensi, quapropter necessarium sunt ei Latera non solum quo sapiant jura Regni, sed & quae sapiant jura Dei* — talibus lateribus junctur *Julciatur Dominus Archiepiscopus*. — *Epist. Rob. Grosthead apud Append. ad Falcicolum. p. 388.*

Lattrare. To lie side-ways, in opposition to lying end-ways. — *unam peciam prati apud Langmede qua capitat ad Regiam stratum, & Laterat ad terras haredum Nicholai de Sandwyco militis* — *Dat. Anno 13 17. Ex Registr. Eccl. Christi Cantuar. MS.*

Lath. *Lessum*, Is a great part of a County, sometimes containing three or more Hundreds, as in *Kent* and *Suffex*. See *Leges Edw. Conf. cap. 25. & sint quieti de fectis commitatuum*, Leth, Hundred & auxiliis *Vice-comitatum*, *Pat. 1. H. 4. part. 8. m. 8.*

Lathrebe or *Leidgreve* or *Thirthingreave*. An Officer under the Saxon Government, who had Authority over the third part of the Country, or three or more Hundreds or Wapentakes: whose Territory was was thereupon called a *Tithing*, otherwise a *Leid* or *Leithen*, in which manner the County of *Kent* is yet divided, and the *Rapes* in *Suffex* seem to Answer the same; and perhaps the *Ridings* in *Yorkshire* being now corruptly so called for *Tidings* or *Tithings*. Those matters that could not be determined in the Hundred Court, were thence brought to the *Tithing* where all the Principal Men of three or more Hundreds, being Assembled by Authority of the *Lathrebe* or *Tritthingreave*, did debate and decide it; or if they could not, did then send it up unto the County Court to be there finally Determined, *vid. Spelman's Antient Government of England.*

Latimer, Seems to be used by *Sir Edward Coke* for an Interpreter, 2. *par. Inst. fol. 515.* I suppose the word is mistaken, and should be *Latiner*, because heretofore he that understood *Latine*, which, in the time of the *Romans*, was the prevailing Language, might be a good Interpreter.

Latitat, Is the name of a Writ, whereby all men in personal Actions are called originally to the King's Bench, *F. N. B. fol. 78.* And it hath the Name, as supposing that the Defendant doth lurk and lie hid; and therefore being served with this Writ, he must put in Security for his Appearance at the day, for *Latitavit est se malitiose occultare, animo fraudandi creditores suos agere volentes*. But the true original of this Writ was this; in ancient time, while the King's Bench was moveable, and followed the King's Court, the Custom was, upon commencing of a Suit, to send forth a Writ to the Sheriff of the County where the Court lay, for the calling him in, and if the Sheriff returned, *Non est inventus in Balliva mea, &c.* then was there a second Writ sued forth, that had these words, *cum testatum est quod Latitat, &c.* and thereby the Sheriff commanded to Attach him in another place where he may be found. Now when the Tribunal of the King's Bench came to be settled at *Westminster*, the former course of Writ was held for a long time, first sending to the Sheriff of *Middlesex* to summon the Party, and if he could not be found there, then to apprehend him wheresoever; but afterwards upon pretence of easing the Subject, and expediting Justice, it was contrived to put both these Writs directed to the Sheriff of the County where he

is suspected to be. And by this Writ a man being brought in, is committed to the Marshal of the King's Bench, in whose Custody, when he is, he may be sued upon an Action in that Court.

Latta. A *Lath.* — *Mandatum ad cendulas & Lattas nostras* (i. e. our Shingles and Lattis,) *carandas a parco, ad domos nostras reficiendas.* *Pat. 4. H. 3. p. 1. m. 10.* Hence a *Lattice* made of *Laths*.

Latrocinium. In old Characters, the word is frequently used for the liberty of *Infangenthes*, or privileged of adjudging and executing Thieves. — *Suam & Socam habere in tota terra sua & Latrocinium.*

Latine, False *Latine* shall not quash an Indictment, nor abate any Declaration; for although the original Writ shall abate for false *Latine*, yet judicial Writs, or a Fine, shall not be impeached for false *Latine*. See *Co. 5. Rep. Long's Case*. But if the word be not *Latine*, nor a word allowed by the Law, as *Vocabulum artis*, (every Art and Science hath its proper terms) but be insensible; and if it be in a material point, this makes the Indictment insufficient, as *Burglariter, murdum, felonice*, and the like, be terms of Art well known in the Law; and therefore if these words, or the like, be mistaken in an Indictment, so that in a material place there is an insensible word, which is not *Latine*, nor any word known in the Law, this will make the Indictment vitious and insufficient.

Lavatorium. A *Laundry*, or Place to Wash in. There was in Cathedral Churches commonly a *Lavatory* in the Porch, or Entrance where the Priests and other officiating Members were oblig'd to Wash their hands, before they proceeded to Divine Service. Hence in the Statutes of the Church of *St. Pauls* in *London*, it was ordain'd, *ut Sacrista Lavatorium in vestibulo per seculares frequenter mundari faciat*, — *Lib. Statut. Eccl. Paul London. MS. fol. 59. 6.* But it was commonly an Ewer.

Laurels. Those pieces of Gold which were Coin'd in the Year 1619, with the King's head *Laureated*, were thence commonly call'd *Laurels*, the Twenty shilling piece mark'd with xx, the Ten shilling piece with x, the Five shilling piece with v. *Camden Annal. Jac. 1. MS.*

Laudum. Any Arbitration or decisive Sentence of a chosen Judge or Arbitrator, — *Arbitrationi, Laudo, seu dicto venerabilis Patris Domini Roberti Cantuariensis Archiepiscopi in pramissi alie & hulle nos submittimus.* — *Cartular. Abbat. Glaston. MS. f. 83. 6.*

Laver-bread. In *Gloucestershire* and some other parts of *Wales*, they make a sort of Food of a Sea plant, which seems to be the Oyster-green or Sea-Liver-wort. This they call *Laverbread*. Near *St. David's* they call it *Lhavan* or *Lhawan*, which I think they Interpret black Butter.

Laves. Round heaps of Stone, which were a sort of rude Monument for the Dead, are in the Borders between *England* and *Scotland* called *Laves*. As in *Staffordshire* *Loughs* or *Lows*, from the *Sax. Hlawa*, a heap of Earth or Stones.

Launcegays. Anno 7. R. 2. cap. 13. Were a sort of Weapons now disused, being prohibited by the said Statute.

Lex. *Lex*, In the general signification is plain, and by *Byasson* thus defined, *Lex est sanctio justa, jubens bonella & prohibens contraria*; And the divine School-masters, *Lex humana est quoddam dilectum rationis, quo diriguntur humani Actus*. This in our Land hath been variable. First, *Malmutius Laws*, translated out of the *Brittish* Tongue into *Latine* by *Gildas*, of which we find no obscure Remnants in our *Laws* now in use. See *Mag. Cart. cap. 1. & 14.* Secondly, *Merchenlage*, mentioned in *Camd. Brit. pag. 94.* and *Polyd. in Hist. Angl.*

Angl. lib. 5. Thirdly, *West-Saxon lege.* And fourthly, *Danelage*, All reduced into a Body, and made one by *Edward the Confessor.* At present the *Law of England* is divided into three parts. 1. The Common Law, which is the most ancient and general Law of the Realm. 2. Statutes, or Acts of Parliament. And 3. Particular Customs, *Co. on Lit. fol. 15.* Law hath an especial signification also, wherein it is taken for that which is *lawful* with us, and not elsewhere: As *Tenant by the Curtesie of England, 13 E. 1. 3.* And again, to wage Law, *Vadiare legem*, and to make or do Law, *Facere legem*, *Braeton, lib. 3. tract. 2. cap. 37.* whereof the first, *sc. Vadiare legem* is to put in security, that he will make Law at a day assigned, *Glanvil. lib. 1. cap. 9.* And to make Law, is to take an Oath, that he owneth not the Debt challenged at his hand, and also to bring with him so many men as the Court shall assign to avow upon their Oath, that in their Consciences he hath sworn truly. And this Law is used in Actions of Debt, without speciality; as also where a man coming to the Court after such a time, as his Tenements, for default, be seized into the Kings hands, will deny himself to have been summoned, *Glanvil, lib. 1. cap. 9. & 12. Kitchin, fol. 164.* This is borrowed from *Normandy*, as appeareth by the *Grand Customary, cap. 85.* But Coke in his 4. *Rep. fol. 95.* *Stade's Case*, sayes, It springs originally from the *Judicial Law of God*, alleging for it the twenty second Chapter of *Exodus*, verse 7. The *Feudists* call them that come to purge the Defendants, *Sacramentales, lib. feud. tit. 4. sect. 3. & tit. 10. & 26.* And the *Civilians* call them *Purgatores.* *Spelman* sayes, *Legem vadiare est cautionem dare de perimplendo legis exigentiam in re litigata; ut de prestando Sacramento ad indistinctam diem cum indistincto consecrationalium seu conjuratorum numero.* Anciently *Laga* was used as *Latine* for Law, as *Lagam Regis Edwardi vobis reddas &c.* *Magna Charta, H. 1. 1 R. 3. cap. 2. 31 H. 6. cap. 6.* Our Common Laws are properly and aptly termed *Leges Anglia*, because they are appropriate to this Kingdom of England, and have no dependance upon any Foreign Law whatsoever, *Co. 2. par. Infl. cap. 9.* These are the Birth-Right, and the most ancient and best Inheritance the Subjects have. *Co. on Lit. lib. 2. cap. 12. sect. 213.* and in his Preface to the sixth Report. All Books written in the Law are either Historical, as the *Year-Books*; Explanatory, as *Stamford's Treatise of the Perogative: Miscellaneous*, as the *Abridgments*; Or *Monological*, being of one certain Subject, as *Stamford's Pleas of the Crown*, *Lambert's Justice of Peace.* See *Fulbeck's Parallels, cap. 3.*

Lawyer, Regis peritus, Juris consultus, The Saxons called him *Lahman.*

Law of Armes, Jus militare, Is a Law that giveth Precepts and Rules concerning War, to make and observe Leagues and Truce, to punish Offenders in the Camp, and such like; for farther knowledge whereof, read such as write *De Juri Belli.*

Law of Merchants, Lex Mercatoria, Is a Priviledge, or special Law, differing from the Common Law of England, proper to Merchants, and summary in Proceedings, 27 E. 3. Stat. 8. 9, 19, 20. 13 E. 1. Stat. 3. See *Co. on Lit. fol. 182.*

Law Spiritual, Lex Spiritualis, Is the Ecclesiastical Law, allowed by the Laws of this Realm, being not against the Common Law, of this Realm, nor against the Statutes and Customs of the Realm, according to which the Ordinary, and other Ecclesiastical Judges do proceed in Causes within their Cognisance, *Co. on Lit. fol. 344.*

↳ This was called *Law Christian*, and the Ecclesiastical Court wherein this Law was administered, was called, *Curia Christianitatis*, and the Rural Dean who was Judge or President of the Court within his own district,

was called *Decanus Christianitatis.* And in opposition to this Law, the Common Law was often called *Lex mundana, terrena, &c.*

Law of the Staple, 27 E. 3. Stat. 2. cap. 22. Is the same with the *Law of Merchants.* See 4. *Infl. fol. 237, 238.* and *Staple.*

Law of Marque. See *Reprisals.* This word is used Anno 27 E. 3. stat. 2. cap. 17. and cometh from the German word *March, i. lines,* a Bound or Limit, because they that are driven to this Law of Reprisal, do take the Ships and Goods of him by whom they have received wrong, and cannot get ordinary Justice, when they meet with them in their own Precincts or Territories. See 9 H. 7. fol. 21. & *Smith de Rep. Angl. lib. 2. cap. 21.*

↳ **Laws of Wolmutius.** See *Wolmutian Laws.*

↳ **Laws of Oleron.** See *Oleron Laws.*

Law Day, Is otherwise called *View of Frank-Pledge*, or *Court-Leet.* *Crompt. Jur. fol. 160.* and is used for the Country-Court. 1 E. 4. cap. 2.

↳ The *Law-day* or *Lage day* was properly any day of open Court, and commonly used for the more Solemn Courts of a County or Hundred — *Debent facere festum ad Hundredum predictum ad duos Lage-daies per Annum — unum ad festum beati Martini & aliam ad la Hokedaie.* — *Cartular. Abb. Glaston. MS. fol. 43. 2.*

↳ **Law Silver.** — In *Berton parva* — *Omnes servientes curie debent habere cyrobecas contra Autumnum, habebunt etiam die Sancti Petri ad vincula 1 den. ad Law-Silver.* — *Cartular. S. Edmundi. MS. fol. 111.*

Laving of Dogs, Expeditio canum, *Mastiffs* must be laved every three year, *Crompt. Jur. fol. 163.* that is, three Claws of the Fore-foot shall be cut off by the Skin, *Charta Foresta, cap. 6.* or the Ball of the Fore-foot cut out. See *Expeditate & pellota.*

Lawless Court, On *Kingshill* at *Rochford* in *Essex*, on *Wednesday Morning*, next after *Michaelmas* day, at *Cock-crowing*, is held a Court, vulgarly called, *The Lawless Court.* They whisper, and have no Candle, nor any Pen and Ink, but a Coal, and he that owes Suit or Service, and appears not, forfeits double his Rent every hour he is missing. This Court belongs to the Honor of *Ralegh*, and to the *Earl of Warwick*, and is denominated *Lawless*, because held at an unlawful or *Lawless* hour: The Title of it in the Court-Rolls runs thus,

*Kingshill in ff. Curia de Domino Rege
Rochford f. Diſſa sine lege,
Tenta est ibidem
Per ejusdem consuetudinem,
Ante ortum solis
Luceat nisi Polus,
Senescallus solus
Nil scribit nisi colis,
Toties voluerit
Gallus ut cantaverit,
Per cuius soli sonitus.
Curia est summonita:
Clamat clam pro Rege
In Curia sine lege,
Et nisi cito venerint
Citius penituerint,
Et nisi clam accedant
Curia non attendat,
Qui venerit cum lumine
Errat in regimine,
Et dum sunt sine lumine
Capti sunt in crimine,
Curia sine cura
Jurati de injuria.*

Tenta ibidem die Mercurii (ante diem) proximi post festum Sancti Michaelis Archangeli Anno Regni Regis, &c. This Court is mentioned in Camden's *Britannia*, fol. 431. though imperfectly, which see.

Latolsa-man, Is he qui est extra legem, *Bract. lib. 3. traill. 2. cap. 11. num. 1.* See Outlaw.

Latwe, According to *Doomsday*, by the interpretation of Mr. *Agar* of the Receipt in the Exchequer, signifies an Assent, or easie Summit.

Latwne or Lounb, In *Doomsday*, signifies a Plain between Woods.

Latwud, See *Landa*.

Layland, Terra inculta, Land that lies fallow.

Leach-troughs, Leach-brine. At the Salt-works in *Staffordshire*, they take the corned Salts from the rest of the Brine, with a *Loat* or *Lute*, and put it into Barrows, thro' which being set in the *Leach-troughs*, the Salt Drains it self dry; which Draining they call *Leach-brine*, and preserve it to be boild again as the best and strongest Brine. From *Islandick* is *Letur*, a Drain or Torrent; whence the Eucking Tub or Vessel to put Ashes in for Water to strain thro' them, to make a *Lee* or *Lexivium* for washing Cloaths, is in some parts called a *Leach* or *Leebe*, and in other places a *Leak*. So in the Bishoprick of *Durham* a *Leak* or *Leebe* is a Gutter: and in *Torkshire*, any flow or watry hole upon the Road is so termed. Sax. *leccian*, to let out water, to *leak*.

Leagball, (Sax.) a place to lay Dung, Soil, or Rubbish in. See the Statue for the better Paving and Cleansing the Streets of London, Anno 22, 23. c. 2.

Lea of Yarn, (Stat. 22. 23. Car. 2. Cap. —) every *Lea* of Yarn, at *Kidderminster*, shall contain 200 Threads, on a Reel Four yards about.

Leap-year. See *Bissextile*.

Lease, Dimissio, From the French *Laisser*, *permittere*, Is a demise or letting, of Lands or Tenements, right of Common, Rent, or any Hereditament unto another for term of Years or Life, for a Rent reserved: And a *Lease* is either written, called a *Lease by Indenture*, or a *Lease Parol*. The Party that letteth this *Lease* is called *The Lessor*, and the Party to whom it is let is the *Lessee*: And a *Lease* hath in it six Points, 1. Words sufficient to import a Demise. 2. A Lessee named. 3. A commencement from a day certain. 4. A term of years. 5. A determination. 6. A reservation of Rent, *Co. lib. 6. fol. 55.* Knight's Case. *Co. on Lit. lib. 1. cap. 7. fol. 58. Co. 3. Rep. Case of Leases.*

Leat, a Mill-leat, corruptly *Milleat*. A Trench to convey Water to or from a Mill, mentioned *Stat. 7. Jac. 1. cap. 19.* But most peculiar to *Devonshire*, where in coveyances the word does frequently occur.

Lecherwite alias Legerwite. See *Lairwite*.

Leccato, A debauched Person, a Tavern-hunter, a *Leacher*.

Lectionum, Lectorium. The Desk, the Reading Place, or Pew in Churches. — *Tunc Major presbiter recitat ad Lecturnum incepturus quod incumbit*, &c. *Statuta Eccl. Paul. Lond. MS fol. 44.*

Leets or Leits. Meetings appointed for the Nomination or Election of Officers; a Word often used in Archbishops *Spottewoods* History of the Ch. of Scotland.

Letit. Leta, visus Franchi Plegii, Is otherwise called a *Lawday*, *Smith de Rep. Ang. lib. 2. cap. 18.* and seems to have grown from the Saxon *Loe*, which, as appears by the Laws of King *Edward*, set out by *Lambert*, num. 34. was a Court of Jurisdiction above the Wapen-take or Hundred: Many Lords, together with their Courts Baron, have likewise *Leets* adjoyned, and thereby do enquire of such Transgressions as are subject to the en-

quiry and correction of this Court; whereof you may read in *Kitchin*, from the beginning of his Book to the Fifth Chapter, and *Briston*, cap. 28. But this Court in whole Mannor soever it be kept, is accounted the King's Court, because the Authority thereof originally belongs to the Crown, *Kitchin*, fol. 6. *Dyer*, fol. 64. faith, That this *Leet* was first derived from the Sheriffs Turn. And it inquireth of all Offences under High-Treason, committed against the Crown and Dignity of the King, though it cannot punish many, but must certifie them to the Justices of Assize, by the Statute of 1 E. 3. cap. ult. But what things be only inquirable, and what punishable, see *Kitchin* in the Charge of a Court *Leet*, from fol. 8. to fol. 20. See also the Statute 8 E. 2. and 4. *Inst. fol. 261.* *Hec est Curia princeps illa*, (saith *Spelman*) *qua inter Saxones ad Friburgos, Decanias, Tenementales pertinebat*. The Jurisdiction of *Baylis* within the Dutchy of Normandy, in the compass of their Provinces, seems to be the same, or very like our *Leet*, cap. 4. of the *Grand Customary*.

Legabilis. What is not Intailed as Hereditary, but may be Bequeath'd by Legacy in a Last Will and Testament. — *Consecutio est in plerisque civitatibus & burgis quod una domus potest legari in Testamento & aliam non, quia est de baronia, & illa non est legabilis, vel quia hodie potest esse legabilis & cras non.* — *Articuli propositi in Parlamento coram Rege 1234. ex Registr.*

Will. Wickwane Archiep. Ebor. MS.

Legā & Lacta, anciently the Allay of Money was so call'd, *Debita Nummi temperies quam veteres Legam & Lactam (ni fallor) appellabant.* *Spelman.*

Legaty, Legatum, Is a particular thing given by a last Will and Testament; for if a man transfer his whole Right or Estate upon another, that the *Civilians* call *Hereditas*, and he to whom it is so transferred, they term *Heir*; but we call him *Heir* only, to whom all a mans Lands and Hereditaments descend by right of Blood. See *Heir*. See more *Devise*.

Legatum, in the Ecclesiastick sense was a Soul-Seat or Legacy given to the Church or custom'd Mortuary. In all Churches appropriated to the Abby of *Osney*, the perpetual Vicars by Endowment were to have every second Legacy, if to the value of sixpence, and one half of it, if beyond that value. *Vicarius — habebit secundum legatum ad valentiam sex denariorum, & quod ultra sex de narios fuerit, intra ipsum & Canonicos dimidiabitur.* *Parochi. Antiq. p. 304.*

Legatt. Embassadour or other Representative of a Prince, especially of the Popes of Rome, who in England had the Arch-Bishops of *Cant.* their *Legatos natos*, and upon extraordinary occasions sent over *Legatos a latere*.

Legatee, Is the person to whom any Legacy is given by a last Will and Testament.

Legalis homo, Is taken for a person that stands *Reclus* in Curia, and in this sense are those Words to often used *Probi & legales homines*. Hence *legality* is taken for the condition of such a man, — *Iste tamen malefactor vadat fideiussor de pace & legalitate tenend.* Sureties for his good behaviour, *Leg. Ed. Conf. cap. 18.* See *Teoman*.

Per Legem Angliatenere. To hold by the Law or courtesie of England. As when a Man is Tenant for life to the Inheritance of his Wife Deceased. — *Henricus de Lacy Comes Lincoln. tenet manerium de Burcester ad terminum vite sue per legem Angliæ de Hereditate Margarete uxoris sue.* *Paroch. Antiq. pag. 361.*

Legatary, Legatarius, He or she to whom any thing is bequeathed, a *Legatee*.

Legem facere. To make Oath. *Legem habere*, to be capable of giving Evidence upon Oath. *Legem admittere.* To lose the privilege of being admitted as a Legal Evidence. *Minor non habet legem*, i. e. is not capable of Testimonial swearing. See Mr. Selden's Notes on Hengham. p. 133.

Legator. The same with Legatary, Anno 27 Eliz. cap. 16.

Leggild. *Leggildum*, The same with *Lairwite*. But in the Laws of Hen. 1. it seems to have a different signification, *Si quis Dei fugitivum habet, injuste reddat eum ad reditum & persolvat ei cuius erit & Regi emendet secundum Leggildum.*

Legiosus. Litigious, and so subjected to a Course of Law.—*Inquisitio facta Anno 1411. de vicaria de Danton in agro Norfolk.—ad quem vel ad quos ipsius presentatio pertinet & pertinere debeat ista vice, & an dicta vicaria sit Legiosa pensionaria vel portuaria & si sit cui vel quibus, &c.* Munimenta Hospital. SS. Trinitatis de Ponte fructo. MS.

Legispens. See *Lespens*.

Legitimation. *Legitimatō*, A making lawful.

Legnita. Or rather *Lethervita*, but more usually *Lienwite*, is the punishment for lying with a Woman unlawfully, according to *Doomsday*.

Leiz. See *Ewigium*.

Leidgreve. He who had authority over a *Leid* or *Lath*. See *Lath-reve*.

Leit. *Quadragesima*, A set time of fasting and abstinence for forty days next before *Easter*, mentioned in the Statute 2 & 3 E. 6. 19. and first commanded to be observed in England by *Ercombert*, seventh King of *Kent*, before the year 800. See *Baker's Chron.* fol. 7.

Lep and Lacc. *Leppe & Lassie*, Is a Custom in the Mannor of *Writtle* in *Essex*, that every Cart that comes over a part thereof called *Greenbury* (except it be the Cart of a Nobleman) payes 4 d. to the Lord of the Mannor. Mr. *Tobias Edmonds* Steward there.

Leporarius. A Greyhound for the Hare, *Mon. Ang.* 2 part, fol. 283.

Leprosus Amovendo. Is a Writ that lies for a Parish, to remove a Leper or Lazar that thrusteth himself into the Company of his Neighbors, either in Church, or other publick Meetings, to their annoyance or disturbance, *Reg. Orig.* fol. 267. and *K. N. B.* fol. 423.

Le Roy le veut. By these words the Royal assent is signified by the Clerk of the Parliament to Publick Bills, which gives Birth and Life to them which before were but *Embrios*, and to a private Bill his Answer is, *Soit fait comme il est desire*.

Le Roy s'avisera. By these words to a Bill presented to the King by his Parliament, are understood his absolute Denial of that Bill, in a more civil way, and the Bill thereby becomes wholly null.

Leripoop. The old fashioned Shoes tipt with Horn, and tied up with Silk Ribbons, or Silver Silver Chains to the Knees, were called *Leripoops*. *Reg. Dodsworth, Collect.* M. vol. 39. p. 120.

Lespens. *Sint sub quolibet horum quatuor ex mediocribus hominibus (quos Angli Lespend Dan vero yongmen vocant) locati qui curam & onus tum viridis tum veneris suscipiant, Charta de Foresta Canati Regis, Art 2.*

Lethsum. (*LL Gul.* 1. cap. 6.) seems to signify a Fine or Mulct, from the Sax. *Lase omis*.

Leuca. In *Doomsday*, but corruptly for *Leura*. *Spel. Gloss.* verb. *Leuca*. See *Leuca*.

Leuia. A Lease of Greyhounds : The term is

now restrained to the number Three, but was formerly double, or perhaps indefinite.—*Archiepiscopus Cant. & Juec. sui semel in quolibet Anno, cum transferint per distant Forestam (i. e. de Arundel) cum una lesia de sex Leporariis sine aliis canibus & sine arcu habeant unum cursum in eundo & aliam redeundo. Anno. 43. H. 3. Reliq. Spelman. p. 118.*

Lessor and Lessee. The Lessor is he that leases Lands or Tenements to another for term of Life, Years, or at Will : And he to whom the Lease is made is the Lessee.

Lestage or Lassage, Lastagium. Proceeds from the Saxon word *Last*, *onus*, and is a Custom challenged in Fairs or Markets for carrying of things, *Rustal's Exposition of words, Saxton in the Description of England, cap. 11. Lassage Anno 21. R. 2. cap. 18.* seemeth to be the ballance of a Ship. *Fleta* termeth it *lesling*, saying, *Quod significat acquietantiam Lastagii, lib. 1. cap. 47. sect. Lesling.*

Lestagefree. Lestage-free, or exempt from the Duty of paying Ballast Money. *K. Edw. 1.* Granted to the Barrons of the Cinque Ports.—*Quod sint Wrecfry, & Wyttrefry, & Lestagefry, & Lonetofry, & quod habeant Den & Strand apud Gernemuth.*—*Placit. temp. Ed. 1. & Ed. 11. MS. 4to. penes Dom. Fontaines ex Aude Christi Oxon.*

Lethia. Among the Customs and Services done by the Tenants of *Chebenhale* to the Abby of *St. Edmund* in *Suffolk*.—*Arabit & herciabit ad duas precarias cum cibo predicto, metet autem uno die in Augusto & habebit cibum suum ad mensam cum pane & aqua, & habebit inter duos & duos peciam carnis & Lethiam casei, sero autem habebit unum panem & Lethiam casei & portabit secum ad Domum. Cartular. S. Edmundi. MS. fol. 401.*

Lethes or Leltes. Is a word used in *Doomsday*, to signify Pastures, and is still used in many places of England, and often inserted in Deeds and Conveyances.

Lerare Jerusalem. The old duty of *Quadragesimalis*, or the Customary Oblations made on *Midlent-Sunday*, when the proper Hymn was *Lerare Jerusalem*, &c. by the Inhabitants within a Diocese to the Mother Cathedral Church; which old Custom of Procession and Oblation at that time, was the beginning of that Practice which is still retained among us, of *Mothering* or going to visit Parents on *Midlent Sunday*. But to return, these voluntary Offerings on that Sunday, were by degrees settled into an Annual composition or pecuniary payment, charged on the Parochial Priest, who was presum'd to receive him from his People, and oblig'd to return them to the Cathedral Church; therefore in some Forms of Appropriation, the subtle Religious took express care to throw this among other burdens upon the oppressed Vicars. As in the Ordination of the Vicarage of *Erdele* in the Archdeaconry of *Huntingdon*, made in the Year 1290. It is provided, *Qui quidem Vicarius solvet Sinodalia, Lerare Jerusalem, & libros vestimenta & alia Ornamenta, luminare competens in cancello, vinum, Oblatas, & Clericum idoneum & his similia inveniet & exhibebit.*—*Ex Libro Institutionum Oliv. Sutton Episc. Lincoln. MS.*

Leth. See *Lath*.

Letherwite. 2. *Inst.* fol. 483. See *Lairwite*.

Letters of Exchange, Littera Cambitoria, vel littera Cambii. *Reg. Orig.* fol. 194.

Letters Patent, Littera Patentes. Are Writings sealed with the Great Seal of England, whereby a man is authorized to do or enjoy any thing, that otherwise of himself he could not, 19 H. 7. 7. And they be so termed of their form, because they be open with

with the Seal affixed, ready to be shewed for confirmation of the Authority given by them. Common persons may grant *Letters Patent*, *F. N. B. fol. 35.* but they are rather called *Patentes*, than *Letters Patents* to make *Denizens*, *32. H. 6. 16.* yet, for difference sake, those granted by the King are called *Letters Patent Royal*, *2. H. 6. 10.* *Letters Patent* conclude with *Teste me ipso, &c.* Charters with *Hic testibus*, *2. par. Inst. 78.* There is likewise a *Writ Patent* mentioned in *F. N. B. fol. 1. &c.*

Letter Claus, *Litera Clausa*, Close Letters oppo'd to *Letters Patent*: These Clause Letters being commonly Sealed up with the Kings Signet or Privy Seal, while the *Letters Patent* were left open, Sealed with the Broad Seal.

Letter of Attorney, *Litera Attornati*, Is a writing authorizing an Attorney, that is, a man appointed to do a lawful Act in our Courts, *West, Symbol. part 1. lib. 2. fol. 559.* As a *Letter of Attorney* to give seisin of Lands, to receive Debts, to sue a third person, &c. See the Stat. 7. R. 2. 13.

Letters of Marque. See *Marq* and *Reprisals*, *14. H. 6. 7.*

Levant and Couchant, Is, when Cattel have been so long in another mans Ground, that they have layne down, and are risen again to feed; in Records in Latine, they say, *Levantes & Cubantes*.

Letters Patent of Summons of Debt, Anno 9. H. 3. cap. 18.

Levari facias, Is a Writ directed to the Sheriff, for the levying of a Sum of Money upon Lands and Tenements of him that hath forfeited a Recognisance, *Reg. Orig. fol. 298. & 300.* and also *F. N. B. 265.*

Levari facias damna de diffinitionibus. Is a Writ directed to the Sheriff, for the levying of Damages, wherein the *Deffisor* hath formerly been condemned to the *Disseise*, *Reg. Orig. fol. 214.*

Levari facias residuum debiti, Is a Writ directed to the Sheriff, for the levying the remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that hath in part satisfied before, *Reg. Orig. fol. 299.*

Levari facias, quando Alcecomes returnavit quod non habuit employes, Is a Writ commanding the Sheriff to sell the Goods of the Debtor which he hath already taken, and returned that he could not sell them, and as much more of the Debtors Goods as will satisfy the whole Debt, *Reg. Orig. fol. 300.*

Levellus, A Level, even or upon the Level.

Anno 1246, venerunt Abbates S. Petri de Burgo & Radulphus de Basset de Pitheffe ad emendandum stagnum molendini de Pitheffe — concesserunt & providerunt — quod dictum stagnum humiliabitur per Levellum sicut ceterum pratum ex utraque parte — ita quod aqua non exeat de canali pro exaltatione dicti stagni nisi pro nimia inundatione cretina — Cartular. Abbatie S. Petri de Burgo Swasham dictum. MS. fol. 208.

Levare socnum. To make Hay, or properly to cast it into Wind-rows, in order ad tassandum to Cock it up. — *Homines de Hedgingdon venient cum fureis suis ad dictum socnum Levandum & tassandum*, Paroch. Antiq. p. 320. Hence una *levatis feni* was one days Hay-making, a service paid the Lord by inferiour Tenants. — *Allicea qua fuit Uxor Richardi le Grey — faciet unam falcaturam & unam Wedbedripam, & levationem feni*, ch. p. 402.

Levy, *Levare*, Signifies to collect or exact, as to levy Money; sometimes to setup any thing, as to levy a Mill, *Kitchin, fol. 180.* Sometimes to cast up, as to levy a Ditch, *Old Nat. Brev. fol. 110.* And to levy a Fine, which is now a frequent and most usual term.

Leuca, *Leuca*, *Leuca*, *Viespatium*. *Spel. Gloss. verb. Leuca*, They are often used in *Doomsday* for a Measure or Mile of Land. And *Leunides* hath the same signification there.

Lex Bretoyse. The Law of the Britains, or of the Marches of Wales, *Lex Marchiarum*. See *Breytose*.

Lex Brethonia, The Brebon Law, was a Law peculiar to Ireland, overthrown by King John in the Twelfth Year of his Reign, and the English Laws settled instead thereof.

Lex Deraisina, But more truly *Deraisina*, is the proof of a thing, which one denies to be done by him, and his Adversary affirms it: This was used among the Normans, and in their *Grand Custumary* thus defined, cap. 126. *Deraisina autem est Lex quadam in Normania constituta, per quam in simplicibus querelis, infectus, factum quod a parte adversa ei obicitur, se non fecisse declarat.* Vide *Plura ibidem & Deryn*.

Lex Castellifica, the British Law, or Law of Walls, *Star. Wallix*.

Lex-gager, Anno 1. Car. 1. cap. 3. Wagers of Laws, See *Law*.

Lex, *Lex*. See *Law*. We also term Pasture by a frequent Name in several Countries, *Leys*, and so is it used in *Doomsday*.

Libell, *Libellus*, Literally signifieth a little Book, but by use it is the original Declaration of any Action in the Civil Law, *2. H. 5. 3.* and *2. E. 6. 13.* It signifies also, a criminous Report of any Man cast abroad, or otherwise unlawfully publisht, and then called *Famosus Libellus*: And this is either in scriptis, aut sine scriptis: In scriptis is, when an Epigram or other Writing is composed or publisht to an others disgrace, which may be done *Verbis aut Cantilenis*; as where this is maliciously repeated or sung in the presence of others; or else *Traditione*, when the *Libel*, or any Copy of it is delivered over to scandalize the Party. *Famosus Libellus sine scriptis* may be two fold; 1. *Pilluris*, as to paint the Party in a shameful and ignominious manner. Or, 2. *Signis*, As to fix a Gallows, or other ignominious signs at the Door of the Party, or else where, *Co. 5. Rep. de famosis Libellis*.

Libera, A Livery or delivery of so much Grass or Corn to a Custumary Tenant, who cuts down or prepares the said Grass or Corn, and receives some part or small portion of it as a reward or gratuity. — *Debet unam Wedbedripam — & unam falcaturam & habebit liberam ad vespere que vocatur Glenyngs tantum sicut falcator potest per falcem levare & portare damum*. Paroch. Antiq. pag. 401. So the Livery of Hay and Oats, or the giving out such a quantity for feeding Horses. Whence *Livery-Stable*, &c.

Libello habendo, See *Copia Libelli deliberanda*.

Libra Taurus, A Free Bull, *Comptum per Jur quod Will. de Holi fuit seistus libero Taurus habenda in Hamsted, &c.* ideo consideratum est quod pradiatus W. Recuperet damna sua que taxantur per Jur. ad 14 s. pro imparcatione ejusdem Tauri, &c. North. 16. Ed. 1.

Libera Batela, A free Boat, — *Per liberam Batellam, hoc est habere unam cimbam ad piscand. subter pontem Cestria & supra Et. nam & ibidem cum omni genere retium*, Plac. in Itin. apud Cestrium, 14. H. 7.

Libera Chacea habenda, Is a Writ Judicial granted to a Man, for a free Chace belonging to his Mannor, after he hath by a Jury proved it to belong to him, *Reg. Orig. fol. 36. 37.*

Libera Curia. See *Wara*.

Libertas Ecclesiastica. This is a most frequent Phrase in our old Writers to signify Church Liberty, or Ecclesiastical Immunities. The right of *Inveftiture* extorted from our Kings by force of Papal Power, was at first the only thing challeng'd by the Clergy, as their *Libertas Ecclesiastica*: But by degrees, under weak Princes, and Prevailing Factions, under the Title of

of *Church Liberty*, they contended for a Freedom of their Persons and Possessions from all Secular power and jurisdiction, as appears by the Canons and Decrees of the Councils held by Boniface A.B.P. of *Canterbury* at *Merton* A.D. 1258. and at *London*, A.D. 1260. &c.

Liberate, Is a Writ issuing out of the Chancery, to the Treasurer, Chamberlains, or Barons of the Exchequer, or Clerk of the *Hamper*, &c. for the payment of any annual Pension, or other Sums granted under the Great Seal. See *Broke*, tit. *Taylor d'Exchequer*, num. 4. *Reg. Orig.* fol. 193. Or sometime to the Sheriff, &c. *Nat. Brev.* fol. 132. For the delivery of any Lands or Goods taken upon forfeits of Recognizance. See *Co. lib.* 4. fol. 64, 66, 67. *Fullwood's Case*. It lies also to a Gaoler, for the delivery of a Prisoner, that hath put in Bail for his Appearance, *Lamb. Eirenarch.* lib. 3. cap. 2.

Liberate probanda, Is a Writ that lay for such as were challenged for Slaves, and offer to prove themselves free, directed to the Sheriff, that he take security of them, for the proving of their Freedom before the Justices of Assize, and provide that in the mean time they be quiet from the vexation of those that challenge them, *F. N. B.* fol. 77. Villeage, and the Appendices thereof, viz. *Infranchisement*, Writs *de Natro habendo*, *libertate probanda*, &c. Were of old great Titles in the Books, but now antiquated. See *Natros habendo*.

Liberatibus allocandis, Is a Writ that lies for a Citizen, or Burgess of any City or Borough, that contrary to the Liberties of the City or Town whereof he is, is impleaded before the King's Justices, or Justices, Errant, or Justice of the Forest, &c. to have his Privilege allowed, *Reg. Orig.* fol. 262. *F. N. B.* fol. 229.

Liberatibus eligendis in Itinere, Is a Writ, whereby the King willeth the Justices in Eyre to admit of an Attorney, for the defence of another mans liberty before them, *Reg. Orig.* fol. 19.

✠ **Liberum Herbagium**. See *Herbagium*.

Liberty, *Libertas*, Is a Privilege held by Grant of Prescription, whereby men enjoy some benefit or favour beyond the ordinary Subject. *Liberties* Royal, what they be, see in *Bratt.* lib. 2. cap. 5. and *Broke hoc titulo*. See *Franchise*.

Librata terra, Contains four Oxgangs, and every Oxgang fifteen Acres, *Skene de verbor.* Signif. *verbo Borata terra*. See *Farding-deal of Land*.

✠ **Libra et arte pensate**. A phrase which often occurs in the *Doomsday Register* and some other Memorials of that and the next Age. As *Aylesbury* in *Buckinghamshire* the King's Mannor — *in totis valentiis reddit Lvi libr. usas & pensatas*, &c. *de Theloni X libr. ad numerum*, i. e. in the whole value it pays Fifty six pounds burnt and weighed; and for Toll Ten pounds by Tale. For they sometimes took their Money *ad numerum* by Tale in the current Coin upon content: But sometimes they rejected the common Coin by Tale, and would Melt it down to take it by weight when purified from the dross and too great Alloy; for which purpose they had in those times alway a fire ready in in the Exchequer to burn the Mony, and then weigh it.

Licence to go to Election, *Licentia Eligendi*, *Regist.* fol. 294. See *Conge d'eflire*.

Licence to arise, *Licentia surgendi*, Is a liberty given by the Court to a Tenant that is effoined de *malo leſſi*, in a real Action: For the Law is, that in this Case he may not arise out of his Bed, or at least go out of his Chamber, until he have been viewed by Knights thereto appointed, and have a day assigned him to appear: And the reason of this is, that it may appear whether he caused himself to be effoined de-

ceitfully or not; and therefore if the Demandant can prove that he was seen abroad before the View, or licence of the Court, he shall be adjudged to be deceitfully effoined, and to have made default. Of this, see *Bratt.* lib. 5. traſſi. 2. cap. 7. 10. & 12. and *Fleta*, lib. 6. cap. 10. and *Horne's Mirror of Justices*, lib. 2. cap. *des Effynes*.

Licentia surgendi, Is the Writ whereby the Tenant effoined de *malo leſſi*, obtaineth liberty to rise.

Licentia transiretandi, is a Writ or Warrant directed to the Keepers of the Port at *Dover*, &c. willing them to let some pass quietly beyond Sea, who have formerly obtained the King's Licence thereunto, *Reg. Orig.* fol. 193.

Licentia Concordandi, 12 *Car.* 2. 12. See *King's Silver*.

Litford Law, Is a proverbial Speech, intending as much as to hang men first, and judge them after. The like is said of *Halifax* in *Yorkshire*, I suppose, because their proceedings are summary.

Lieutenant or *Lieutenant*, *Locumtenens*, Is compounded of *lieu*, *locus* & *tenir*, *tenere*, and signifies him that occupieth the Kings, or any other Persons place, or representeth his person, as the *Lieutenant* of *Ireland*, 4 *H.* 4. 6. So also is it used 2 & 3 *E.* 6. cap. 2. whence that Officer seems to take his beginning.

Lieutenant of the Ordnance, 39 *Elix.* cap. 7. We use the word *Lieutenant* also for a military Officer, next in Command to the Captain, whose Place and Duty is so well known, that I need not here enlarge upon it.

Liferent, Is a Rent or Exhibition which a man receives either for term of Life, or for sustentation of Life, *Skenens ad Quon. Attach.* cap. 18. *verse* 5.

Liege, *Ligeus*, Is a word borrowed from the *Feudists*, and hath two several significations in the Common Law, sometimes being used for *Liege Lord*, as 34 & 35 *H.* 8. cap. 1. and 25 *H.* 8. 3. and sometimes for *liege-man*, as 10 *R.* 2. 1. and 11 *R.* 2. cap. 1. *Liege Lord* is he that acknowledgeth no Superior, *Duarens in Commentar. de consuetud. feudorum*, cap. 4. num. 3. *Liege-man* is he that oweth Allegiance to his *Liege-Lord*. *Skene de verbo* Signif. verb. *Ligeantia*, faith, That it is derived from the Italian word *Liga*, a Bond or Obligation: In whom read more of this matter. See 8 *H.* 6. cap. 10. 14. *H.* cap. 2.

✠ The word *Ligius*, was used for pure, full, or perfect. As *viduitate ligia* was pure Widowhood. — *Isabel Gargat filia mea in ligia viduata & Libera possellate sua*, *Paroch. Antiq.* p. 190. So *Ligia potestas* was free and absolute power of disposal — *Ego Ela de Aldithleia in Libera viduitate mea & Ligia potestate*, *ib.* p. 280.

Licet est multa adulteriorum, *Fleta*, lib. 1. cap. 7. It is used for a Liberty, whereby a Lord challengeth the penalty of one that lyeth unlawfully with his Bond-woman. See *Leguira* and *Latherwit*.

Ligeanty, *Ligeantia*, Is such a Duty or Fealty as no Man may owe to more than one Lord, and therefore it is most commonly used for that Duty and Allegiance which every good Subject owes to his *Liege Lord* the King. And it is thus defined in the *Grand Customary of Normandy*, cap. 13. *Ligeantia est, ex qua Domino tenentur Vassalli sui contra omnes homines qui mori possunt & vivere, proprii corporis præbere consilii & auxilii juvamentum & ei se in omnibus innocens exhibere, nec ei adversantium partem in aliquo consovere*, &c. This is otherwise called *Legietas Cassan. de consuetud. Burgund.* pag. 420, 421. This word is often used in our Statutes, as 14. *H.* 8. cap. 2. and several other.

Ligeance, *Ligeantia*, Is a true and faithful Obedience of the Subject to his Soveragin; Sometimes it signifies the Dominions or Territory of the *Liege* Lord, as 25 E. 3. Stat. 2. Children born out of the *ligeance* of the King: Also the same with *ligeancy*. See Co. on Lit. fol. 129. and 7. Rep. Calvin's Case.

✧ **Ligula**, A Copy, Exemplification, or Transcript of a Court Roll or Deed. — *Adam de Statton & Willielmus Filius Nigelli tunc Camerarii de Scarceio liberarunt Johanni de Berewic ad opus Justitiariorum Eboracensis Regis itinerantium in Com. Cornub. sub sigillo thesaurariae suae Ligulam de ultimis itineribus &c. de Berton, &c.* Mein. in Saccar. 12 E. 1. By Sir John Maynard.

Limitation of Assise, *Limitatio Assise* Is a certain time set down by Statute, wherein a man must allege himself, or his Ancestor, to have been seized of Lands, sued for by a Writ of Assise. See the Statute of Merton, cap. 8. Anno 20 H. 3. and Westm. 1. cap. 38. 32 H. 8. 2. 1. M. 1 Par. cap. 5. Theobalds Digest of Writs lib. 10. cap. 2. So it is used in Old Nat. Brev. fol. 77. in these words, The Writ De *consecutionibus servitiis* lyeth, where I, or mine Ancestors, after the limitation of Assise were not seized of the Customs, &c. But before the limitation of Assise, we were seized, &c.

Linarium, A place where Flax groweth.

✧ **Linto**, A Linpin or Linpin, the Pin of Iron which fastens the Wheel upon the Axis. — *In duobus paribus rotarum Empt. vi s. in eisdem ferro Ligandis 111 s. 8 d. in coxibus & Linionibus 14 den.* — *Consuetudinarium domus de Farendon. MS.*

Lindwood, Was a Doctor both of the Civil and Canon-Laws, and Dean of the Arches: He was Embassador for Henry the Fifth into Portugal, Anno 1422. as appeareth by the Preface to his Commentary upon the Provincials.

Littleton, was a famous Lawyer living in the dayes of King Edward the Fourth, as appeareth by Stauf. Prer. cap. 21. fol. 72. He wrote a Book of great Account called *Littleton's Tenures*.

Littera ad faciendum attornatum pro secta facienda, Reg. Orig. fol. 172. **Littera de annua pensione**, Ibid. fol. 266. & 307. **Littera patens ad faciendum generalem attornatum qui infimus**, Ibid. fol. 21. **Littera per quam Dominus remittit curiam suam Regi**, Ibid. fol. 4. **Littera de requestu**, Ibid. fol. 129. **Littera Canonici ad exercendam jurisdictionem loco suo**, Ibid. 305. **Littera Patentes ad conferendum Beneficia**, Dominio remissa agente, Ibid. fol. 205. 206. **Littera Regia deprecatoria pro annua pensione**, Ibid. fol. 307. See these in their in their proper places.

✧ **Litteratura**, Literature, in old English, *Ad Litteraturam ponere*, to put out Children to School. Which Liberty without consent of the Lord, was denied to those Parents, who were servile Tenants. So in the Lands at Burcester, which were held in Villenage from the Prioreſs at Merkgate — *Quilibet customarius non debet filium suum ad Litteraturam ponere, neq. filiam suam maritare sine licentia a voluntate Priorisse* Paroch. Antiq. p. 401. This Julian like Prohibition of Educating Sons to Learning, was owing to this reason, for fear, the Son being bred to Letters, might Enter into Religion or Sacred orders, and so stop or divert the Services which he might otherwise do, as Heir or Successor to his Father.

✧ **Lith** of Dukering in the County of York, i. e. The Liberty, or a Member of Dukering, from the Sax. Lid, i. e. Membrum.

Littera, As *Tres Carrelias Littera*, Three Cart-loads of Straw or Litter, Mon. Ang. 2. par. fol. 33. b.

Liberty, *Libertatura*, Is derived from the French *Libre*, that is, *insigne*, *gestamen*, or else from *Liverer*, id est, *tradere*, and accordingly hath three significations. In

one it is used for a Suit of Cloth or Stuff that a Gentleman giveth in Coats, Cloaks, Hats or Gowns, with Cognifance, or without, to his Servants or Followers, and is mentioned in 1 R. 2. 7. 20 R. 1. 2. 7 H. 4. 14. 8 E. 4. 2. 13 E. 4. 3. 8 H. 6. 4. 3 H. 7. 1. 12. 11 H. 7. 3. 19 H. 7. 14. 3 Car. 1. cap. 4. In the other signification, it betokened a delivery of possession to those Tenants which held of the King in *Capite*, or Knights-service; for the King, by his Prerogative, hath *primer seisin* of all Lands and Tenements so holden of him, Stauf. Prerog. fol. 12. & cap. 3. **Livery**, in the third signification, is the Writ which lies for the Heir, to obtain the Possession or Seisin of his Land at the King's Hand's, which see in F. N. B. fol. 155. But by the Statute, 12 Car. 2. cap. 24. All Wardships, *Liveries*, &c. are utterly taken away, and absolutely discharged.

Livery of Seisin, *Deliberatio seifina*, Is a delivery of Possession of Lands or Tenements, or other things corporeal, unto one that hath right, or a probability of right to them: For as Bradon saith, *Traditio debet esse vestita & non nuda*, sc. *quod traditione precedat vera causa*, &c. lib. 2. cap. 18 num. 3. West, Symb. part 1. lib. 2. sect. 169. calls this a Ceremony in the Common-Law, used in the Conveyance of Lands or Tenements, &c. where an Estate in Fee-simple, Fee-tail, or a Freehold shall pass: And is a Testimonial of the willing departing of him who makes the *Livery*, from the thing whereof *Livery* is made, and the receiving of the *Livery*, is a willing acceptance of the other Party. And it was invented, that the common people might have knowledge of the passing or alteration of Estates from man to man, that thereby they might be the better able to try in whom the right of Possession of Lands and Tenements were, if they should be impannelled in Juries, or otherwise have todo concerning the same. Of this *Livery* there be two kinds, viz. A *Livery in Deed*, and a *Livery in Law*; A *Livery in Deed* is, when the Feoffor taketh the Ring of the Door, or Turf or Twig of the Land, and delivereth the same to the Feoffee in the name of *Seisin* of the Land. A *Livery in Law* is, when the Feoffor saith to the Feoffee being in view of the House or Land, *I give to you yonder Land, to you and your Heirs, and therefore enter into the same, and take possession thereof accordingly*; And the Feoffor doth accordingly in the life of the Feoffor enter, this is a good Feoffment, Co. on Lit. lib. 1. cap. 6. sect. 59. and 5 Reports, *Shurpe's Case*. For the form of words, and manner hereof, you may see them in West, Symbol. part. 1. lib. 2. sect. 169. and *Termes de la Ley*.

Lieutenant, See *Lieutenant*.

Lieutenant of the Tower, Seemeth to have been an Officer under the Constable.

Locus partitius, Signifies a Division made between two Towns or Countries, to make out in which the Land or place in question lies, *Fleta, lib. 4. cap. 15. num. 1.*

Local, *Localis*, signifieth in a legal sense as much as tyed or annexed to a place: For example. The thing is *local*, and annexed to the Freehold, *Kitchen*, fol. 180. And again, in the same place, An Action of Trespass for Battery, &c. is transitory, not *local*, that is, not needful that the place of the Battery should be set down as material in the Declaration, or if it be set down, that the Defendant should traverse it, by saying he did not commit the Battery in the place mentioned in the Declaration, and so avoid the Action. And again, fol. 230. the place is not *local*, that is, not material to be set down in certain. The guard of the person, and of the Lord differ in this, because the person being transitory, the Lord may have his ravishment de *gard*, before he be seized of him, but not of so the Land, because if it *local*, *Perkin's Grant* 1. 30.

Lobbe, A great kind of North-Sea-fish, Anno 31. E. 3. Stat. 3. cap. 2.

Locus Partitus, signifies a Division made between two Towns or Counties to make Trial in, whether the Land or Place in Question lyes, *Fleta*, lib. 4. cap. 15. N.

Lock-man. In the Isle of Man, the Lock-man is an Officer to Execute the Orders of the Governour or Decemfiers, much like our Under Sheriff. See Mr. King's Description of the Isle of Man p. 26.

Locutorium. A Locutory or Parlour. The Religions after they had Din'd in their common Refectory, had a withdrawing Room, where they met for Discourse and Conversation, which Room for that Sociable use, they called *Locutorium a Loquendo*, and Parlour a Fr. Parler.

Lugia. A Lodge or Lodgement. — *Circa Abbatiam castra metati sunt, sicut gentes tentoria sua, & Logias facientes. — Quo audito annali illi qui in Logiis jam quindecim diebus Excubias fecerant, eisdem Logias combusserunt, & recesserunt ad propria.* Hist. Croyland. Contin. p. 454. *Logium*, an Out House or Hovel, still called a Lodge in Kent. *Cementarii in opere fabricæ Ecclesiæ Eboracensis dormitandi tempus habent post nonum in estate, dormiant autem in Logio quo operantur, & non alibi.* Anno. 1371. Reg. Ebor. Hence Logges, Huts or Cottages for Lodging poorer sort of People. — *Presentatum fuit per Juratores quod Prior de Tyne-muth levavit unam villam super ripam aquæ, & Tyne apud Sholes ex una parte aquæ, & Prior Dunelmis levavit aliam ex altera parte aquæ, ubi nulla villa deberet esse, nisi tantum modo Logges de quibus Piscatores possent Hospitari.* — Placit. Parl. 18. E. 1.

Lodemange. Is the Hire of a Pilot, for conducting a Ship from one place to another.

Lode ship, A kind of fishing Vessel, mentioned 31 E. 3. Stat. 3. cap. 2.

Lode works, Is one of the Works belonging to the Stanneries in Cornwall, for which see Camden's Brit. tit. Cornwall. See *Streme-works*.

Logating, An unlawful Game, mentioned 33 H. 8. cap. 9. now disused.

Logwood, Otherwise called *Blackwood*, brought from divers remote parts, and prohibited by the Statute of 23 Eliz. cap. 9. and 39 Eliz. cap. 11. but since by 14 Car. 2. cap. 11. The importation and use of it is allowed.

Loich fish, As Lob, Ling, Cod, mentioned 21 E. 3. Stat. 3. cap. 2.

Lollarby, 1 & 2 P. & M. cap. 6. The Doctrine and Opinions of the Lollards, Rogerus Aston miles pro productione & Lollardia distrabatur & suspendatur, & sic suspensus pendeat ad voluntatem Regis. Middlesex. Plac. Hill. 1. H. 5. Rot. 7. & Trin. 2. H. 5. Rot. 6.

Lollards, Lollardi, So called (says *Tritemius*) from one Walter Lollarh a German, the first Author of that Sect, about the year of our Lord 1315. were in account of those times Hereticks, that abounded here in England in the days of Edward the Third and Henry the Fifth, and mentioned 2 H. 5. 7. Whereof Wickliff was the chief, Stow saith in his Annals, pag. 425. Against these Thomas Arundel Archbishop of Canterbury, in a Council at Oxford, made several Decrees. Spotswood in his History of Scotland, fol. 61. sets forth their Tenets; Their intent was, to subvert the Christian Faith; the Law of God, the Church and the Realm, so said the forementioned Statute of 2 H. 5. 7. which was repealed by 1 E. 6. 12. The high Sheriff of every County is bound by his Oath to suppress them. See Co. 3. Inst. fol. 41. and Cawdre's Case.

Tow shall (says the Oath) do all your pam and Dilligence to destroy and make to cease all manner of Heresies and Errors commonly called the Lollardies within

your Bayliwick, from time to time with all your power, &c.

Loquela. *Perronilla de S. debet xx s. pro habenda loquela in Curia Domini Regis contra W. de Fauconbrigg, Rot. Pipe. 2. Johannis Linc.* An Imparlance. *Loquela sine die*, was a respite in Law, or a Demurr to an indefinite time. — *Si vir tenens fuerit infra statem, ut uxor plena ætatis cum impleatibz fuerint. Non remanebit loquela sine die propter minorem ætatem viri.* Paroch. Antiquit. p. 210.

Lord, *Dominus*, Is a word of honour with us, and is diversely used: Sometimes attributed to a Man noble by Birth or Creation, and are otherwise called *Lords of Parliament*; sometimes to those that be so called by the courtesy of England, as all the Sons of a Duke, or the eldest Son of an Earl. Sometimes to Men honourable by Office, as Lord Chief Justice, &c. and sometime to a mean Man that hath Fee, and so consequently the Homage of Tenants within his Mannor. In which last signification, it is most frequently used by the Writers of the Law, and divided into *Lord Paramount*, and *Lord Mesne*; *Lord Mesne* is he that is Owner of Mannor, and by vertue thereof hath Tenants holding of him in Fee, and by a Copy of Court-Roll, and yet holdeth himself of a Superior Lord, called *Lord Paramount*, Old Nat. Brev. fol. 79. We read likewise of *very Lord*, and *very Tenant*, Ibid. fol. 42. and Bro. tit. *Heriot*, num. 1. Where *very Lord* is he which is immediate Lord to his Tenant, and *very Tenant* he that holds immediately of that Lord; so that if there be *Lord Paramount*, *Lord Mesne* and *Tenant*; The *Lord Paramount* is not *very Lord* to the *Tenant*, nor the *Tenant* *very Tenant* to him.

Lord in gross, *F. N. B. fol. 3.* Is he that is Lord, having no Mannor, as the King in respect of his Crown, Ibid. fol. 5. and fol. 8. where is a Case wherein a private Man is Lord in gross, viz. A man makes a Gift in Tayl of all the Land he hath, to hold of him, and dieth; his Heir hath but a Seigniorie in gross.

Loimers or Loiners, May well be deduced from the Latine *Lorum*: They are one of the Companies of London that make Bits for Bridles, Spurs, and such like small Iron Ware, 1 R. 2. cap. 12.

Lot or Lorb, Is the thirteenth Dish of Lead in the Derbyshire Mines, which belong to the King *pro Domino suo*. See Rot. Rageman & de Quo Warwanto de Itin. de Derbi. 9 E. 1. See *Cope*.

Lothelwite, alias *Leyerwite*, Is a Liberty or Privilege to take amends of him that defileth your Bond-woman without License, *Rassal's Exposition of words*; so that it is an amends for lying with a Bond-woman. Saxons in his Description of England, cap. 11. See *Lairwit*. Some think it should rather be written *Legerwit*, for *Leger* is the Saxon word for a Bed; or *Lecherwite*, a punishment for Lechery. See *Bloodwit* and *Leyerwit*.

Lourcurdus, A Ram or Bell-weather. — *Abbas habuit in staurum multos 1630. matronas 2611. Lourcurdos 32. Gredelings & bogastros 1162. Augnos de anno primo 1276. summa ovium omnium per totum 6717.* — Chartular. Glasston. MS. f. 54. a.

Lourgulary, In Statute pro stratis London, Printed Anno 1573. Art. 45. Casting any corrupt thing, or appoysoning the Water, is *Lourgulary* and Felony. Some think it a corruption of Burglary. See Gloss. in X. Scriptores, verbo Burglaria.

Lowbellers, 23 Eliz. cap. 10. Are such as go with light and a Bell, by the light whereof Birds sitting on the Ground, become somewhat stupified, and so are taken with a Net. This name is derived from the word *Low*, which in the Saxon, or old English, signifies a Flame of Fire. See the Antiquities of Warwickshire, pag. 4.

✠ **Luminare**, A Lamp or Candle set burning on the Altar of any Church or Chapel, for the maintenance of which, Lands and Rent-charges were frequently given to Religious Houses, and Parish-Churches. See Mr. Kennett's Glossary to *Parochial Antiquities*.

✠ **Lundres**, A Sterling or Easterling in a restrained sense, signified nothing but a Silver Penny, which at first was about three times as heavy as a Penny is now, and was once called a *Lundres*, because it was to be coined only at London, and not at the Country Mints. Vid. Lowndes Essay upon Coins, p. 17.

✠ **Lupanare**, A Bawd or Strumpet. *Rex majori & Vic. London* Salt' quia intelleximus quod plures Roberti Mordera perpetravit per receptatores & receptatrices publicas Lupanarices in diversis locis in Civitate nostra predicta, &c. Claus 4 Ed. 1. p. 1. m. 16. dorso.

✠ **Lupinum caput gerere**, To be Out-lawed, and so have ones Head expos'd like a Wolves, with a Reward to him that shall bring it in. — Hugo filius Walteri Presbyteri ut legatus non comparuit unde dictum fuit quod ex quo Hugo noluit comparere ad pacem Regis, quod gereret Lupinum caput sicut prius fecit. — *Placita Corone* 4. Joh. Rot. 2. in dorso.

✠ **Lupulicetum**, A place where Hops grow, Co. 1. Inft. 4. b.

✠ **Luternes**. See *Flore*.

✠ **Lusgul**. — In *Scottis*, & *Geldis*, & *Danegeldis*, & *Lusgul*, & *Warpen*, & *Nupen*, & de omnibus consuetudinibus qua ad me pertinent certa. Hen. 2. G. G. n. 2. q.

✠ **Lushbopole** or **Lushburgh**, Was a base sort of Coyn used in the days of King Edward the Third; coyned beyond Sea to the likeness of English Money, and brought in to deceive the King and his Subjects. To prevent and avoid which, it was made Treason for any Man wittingly to bring any such into the Realm, as knowing it to be false, by the Statute made Anno 25 Edw. 3. Statut. 4. cap. secundo, and Co. Inft. 3. par. fol. 1.

✠ **Lyef-yeld**, Lef silver, A small Fine, or Pecuniary Composition paid by the Customary Tenant to the Lord for leave to Plow or Sow, &c. Tenentes in Waldis non possunt arare terras suas ab equinollis autumnali usque festum beati Martini sine licentia & ideo reddunt conjunctim dimidiam marcam ad festum S. Martini, siue fuerit persona, siue non, & vocatur Lyef-yeld. Somner of Gavel-kind, p. 27.

✠ **Lymputta**, Extendens Lymputta juxta terram, 7. S. Liber Niger Heref. A Lime-pit.

M.

M Is a Numeral Letter, and stands for a Thousand; Also every Person convicted for Murder (Manlaughter) and admitted to the benefit of his Clergy, must be marked on the brawn of the left Thumb with an M. by 4 H. 7. cap. 13.

✠ **Mace greifs** alias **Mace-greifs**, **Machecarii**, Are such as willingly buy and sell stolen Flesh, knowing the same to be stolen, Britton, cap. 29. and Crompton's Justice of Peace, fol. 193. Vide *Leges Ina*, cap. 20. de carnem furtivam tenente.

✠ **Machecollare**, vel **Machecoulare** (from the French *Maschecoulis*, to make a Warlike Device, especially over the Gate of a Castle) resembling a Grate, through which Sealding Water, or offensive things may be thrown upon Pioners or Assailants. 1 Inft. fol. 5. 2.

✠ **Macecana**. **Machekana**. **Macellum**, the Flesh-Market or Shambles. — da una selda in Macecaria qua sita est inter seldam Walteri Sudbred & Seldam Edwardi Galan. — *Chartular. Radinger*. MS. f. 127.

✠ **Machecarius**, A Butcher. — Cum autem dictum est, quod nullus hominum emeret absque plegis animal vivum, clamaverunt Machecarii de evratibus & burgis, quod unaquaque die oportebat eas animalia viva emere, occidere, & vendere. Leg. Edwardi Regis, cap. 39.

✠ **Macio**. A Mason. — Ipse cum Macione & matris necessarius ministris reliquis in maceria recondit. — Orderic. Vital. 1. 6. — Accitis itaque artificibus — latomisque cum macionibus illic ad opus agendum profectus est. Ibid. cap. 12.

✠ **Madding money**, Old Roman Coins, sometime found about Dunstable, are so called by the Country-people; they seem to retain this Name from *Magintum*, used by the Emperor Antoninus in his Itinerary for Dunstable. *Camd*.

✠ **Macternium**, Is derived from the old Norman words *Maisme* or *Timber*.

✠ **Magbott** or **Magbott**, A recompence for the slaying or murder of ones Kinsman; for anciently in this Nation, corporal punishments for Murder, and other great Offences, were sometimes transfused into Pecuniary Fines, if the Friends of the Party slain were so content, Leg. Canuti Regis, part 1. cap. 2.

✠ **Magistri**, In Old Writings we find this Title often, as His testibus *Magistro Johanne de Croft*. It noted the Person had attained some Degree of Eminency in Scientia aliqua præsertim literaria. And in old time those who are now called Doctors, were termed *Magistri*.

✠ **Magna Assisa eligenda**, Is a Writ directed to the Sheriff, to Summon four lawful Knights before the Justices of Assise, there upon their Oaths to chuse Twelve Knights of the Vicinage, &c. to pass upon the great Assise between A. Plaintiff, and B. Defendant, &c. Reg. Orig. fol. 8.

✠ **Magna Charta**, The Great Charter, was granted the Ninth Year of Henry the Third, and confirmed by Edward the First. The reason why it was termed *Magna Charta*, was either for that it contained the sum of all the Liberties of England, or else because there was another Charter, called *Charta de Foresta*, established with it, which was the less of the two; or because it contained more than many other Charters, or more than that of King Henry the First, or of the great and remarkable Solemnity in the denouncing Excommunication, and direful Anathema's against the Infringers of it. We read in *Holinshead*, that King John, to appease his Barons, yielded to Laws or Articles of Government, much like to this Great Charter: But we have now no ancienter written Law than this, which was thought to be so beneficial to the Subject, and a Law of so great equity, in comparison of those which were formerly in use, that King Henry, for the granting it, had the fifteenth penny of all the moveable Goods, both of the Spirituality and Temporality throughout the Realm. *Spelman* in his Gloss. on this word, calls it, *Augustissimum Anglicarum libertatum diploma & sacra Anchora*. It is *Magnum in Parvo*, and hath been above thirty times confirmed, says *Coke* upon *Littleton*, fol. 81.

✠ **Magna precaria**, A great or general Reap-day, the Lord of the Mannor of *Harrow* in Com. *Middlesex*, had (in 21 R. 2.) a Custom, that by Summons of his Bayliff upon a General Reap-day (then called *Magna precaria*) the Tenants should do 199 days work for him, every Tenant that had a Chimney was to send a Man. Mr. *Philips* of *Purveyance*, pag. 145.

✠ **Magnum Centum Communem pasturam** ad quadringentas oves per *Magnum Centum* cum tot agris. Carta 20 Hen. 3. m. 1. This great Hundred is Six-score.

Magistratus,

Magistrate, Magistratus. He is *Custos utriusque tabule*, the Keeper or Preserver of both Tables of the Law; therefore if any *Magistrate*, or Minister of Justice, in execution of their Office, or keeping of the Peace, according to the Duty of their Office, be slain; this is *Murder*, for their Contempt and Disobedience to the King and the Law, for it is *contra potestatem Regis & Legis*. Co. 9. Rep. Mackallye's Case.

May Inductio. An Old May-game, or ludicrous Custom for the Priest and People in Procession to go to some adjoining Wood on a May-day Morning, and return in a sort of Triumph, with a May-Pole, Boughs, Flowers, Garlands, and such-like Tokens of the Spring. There was thought to be so much Heathen Vanity in this Practice, that it was condemned and inhibited within the Diocese of Lincoln by the good old exemplary Bishop Grossthead. — *Faciunt etiam, ut audivimus, Clerici ludos quos vocant Inductionem Maii, & festum Autumni, & Laici scotales, quod nullo modo vos latere possit. Si vestra prudentia super his diligenter inquireret.* — Rob. Grosstest, Episcopi Linc. Epist. apud Append. ad Fasciculum, p. 382.

Mayhem or **Mayhem**, *Mahemium*, cometh of the French word *Mehaigne*, and signifies a corporal hurt, by which a Man loseth the use of any Member, that is or might be any defence unto him in Battel: As if a Bone be taken out of the Head, or broken in any other part of the Body, or Foot, or Hand, or Finger, or Joynt of a Foot, or any Member be cut, or by Wound the Sinews be made to shrink; or if any Eye be put out, fore-teeth broke, or any other thing hurt in a man's Body, whereby he is disabled to defend himself, or offend his Enemy. *Glanville*, lib. 14. cap. 7. See *Bracton* at large, lib. 3. tract. 2. cap. 24. num. 3. Britton, cap. 25. and *Stamf. Pl. Cor.* lib. 1. cap. 41. and *The Mirrour of Justices*, cap. de Homicide. But the cutting off an Ear or Nose, the breaking of the hinder Teeth, or such-like, was no *Mayhem*, it being rather a deformity of Body, than diminishing of Strength. But now by the Stat. of 22. & 23. Car. 2. cap. 1. the cutting off a Nose, or cutting off or disabling any Limb or Member, is made Felony without Benefit of the Clergy: *Mayhem* is commonly tryed by the Justices inspecting the Party: And if they doubt whether it be a *Mayhem*, or not, they use to take the Opinion of some able Chirurgion in the point. The *Grand Customary of Normandy*, cap. 6. calls it *Mahaignium*, and the *Canonists Membri mutilationem*; but all agree, that it is the loss of a Member, or the use thereof; and *Membrum*, *Cassan. de Cons. Burg.* pag. 168. defines thus, *Est pars corporis habens destinatam operationem in corpore*. See *Skene de verborum significatione*, verbo *Machanium*. See Co. on Lit. lib. 2. cap. 11. sect. 194.

Maime Rents, Is a Noble paid by every Tenant in the Mannor of *Builth* in *Radnorshire*, at the Marriage of a Daughter, and was anciently given to the Lord for his quitting the Custom of *Marcheta*, which I suppose was a Fine paid to the Lord, for a License to marry a Daughter: Sir *Edw. Sanyer* is now Lord of this Mannor. See *Marcheta*.

Maignium, Derives it self from the French *Maignen*, i. *Faber ararius*, and signifies a Brasier's Shop. See *Cotland*. But Co. 4. Inst. fol. 338. confounds *Managium* with *Maignium*.

Mayhem, Maim, Wound, Hurt. *Homo Maihematus*, a Man maim'd or wounded. By the Old English Law there lay an Appeal for *Maihem* or wilful wounding: When it was laid to the charge of the Defendant or Appellee, that he did it *nequiter in feloniam*, i. e. maliciously, and with an evil or felonious intent: And the Appellant did offer *disrationare versum*

eum, sicut homo maihematus prout curia Domini Regis consideraverit. Vid. *Bracton*, lib. 3. cap. 24. n. 1. 2.

Maille, Anciently a kind of Money, but more largely signifies not only Money, but any proportion of Grain, or other Rent; This later in the North is called *Blackmaile*, *Inquis. capt. post mortem Will. de Conwey*, Anno 20 E. 3. num. 63. *Lanc. Spelman* says, There is in *Ulverstone* quoddam proficuum vocat. *Geese-males* & quoddam proficuum apud *Plumpton* vocat. *Cowmale*. See *Blackmaile*.

Mailles, Silver Half-penies. In 9 Hen. 5. by Indenture in the Mint, a pound weight of old *Sterling* Silver was to be coined into three hundred and sixty *Sterlings* or *Penies*, or seven hundred and twenty *Mailles*, or one thousand four hundred and forty Farthings. Vid. *Lowndes Essay upon Coins*, p. 38.

Maluad, A false Oath, Perjury. — *Si nolit abjurare, emendet ipsam Mainad, id est, perjurium dupliciter.* — Leg. Ina Regis. cap. 34.

Mainour, alias **Manour**, alias **Meinour**, From the French *Manier*, i. manu tractare: In a legal sense, denotes the thing that a Thief taketh away, or stealeth. As to be taken with the *Mainour*, *Pl. Cor.* fol. 179. is to be taken with the thing stolen about him: And again, fol. 194. it was presented, That a Thief was delivered to the Sheriff or Viscount, together with the *Mainour*: And again, fol. 186. If a man be indicted, That he feloniously stole the Goods of another, where, in truth, they be his own Goods, and the Goods be brought into the Court as the *Mainour*; and it be demanded of him, what he saith to the Goods, and he disclaim them; though he be acquitted of the Felony, he shall lose the Goods: And again, fol. 149. If the Defendant were taken with the *Manour*, and the *Manour* be carried to the Court, they, in ancient times, would Arraign him upon the *Manour*, without any Appeal or Indictment. I find this word used in the *Old Nat. Brev.* fol. 110. In this sort, where a man maketh a thing by *Manour*, or levying, or estopping; in such case he shall have an Assise, where it signifies handy-labour, and is but an abbreviation of *Mainovery*.

Mainour. See *Mainovery*.

Mainpernable, That may be let to Bayl. See the Statute of *Westm.* 1. cap. 15. made Anno 3 E. 1. what Persons be *mainpernable*, and what not.

Mainperners, *Manuceptores*, Are those Persons to whom a Person is delivered out of Custody or Prison, and they become Security for him, either for appearance or satisfaction; they are called *Manuceptores*, because they do it as it were manu capere & ducere captivum & custodia vel prisona. And the Prisoner is said to be delivered to *Bail*, from the words of the *Bail-piece*. viz. A. B. &c. traditur in Ballium J. D. & R. R. &c. See *Mainprise*.

Mainprise, *Manuceptio*, Is compounded of two French words, viz. *Main*, manus, *Prins*, captus: It signifies in our Law, the taking or receiving a man into friendly Custody, that otherwise is or might be committed to Prison, upon security given for his forth-coming at a day assigned: And they that thus undertake for any, are called *Mainperners*, because they do receive him into their hands, *Stamf. Pl. Cor.* fol. 178. from hence comes the word *Mainpernable*, which denotes him that may thus be bailed; For in many Cases a man is not *mainpernable*, whereof see Bro. tit. *Mainprise per totum*, and F.N.B. fol. 249. *Manwood* in his *Forest Laws*, pag. 167. makes a great difference between *Bail* and *Mainprise*; for he that is *mainprised* (saith he) is always said to be at large, and to go at his own liberty out of Ward until the day of his appearance; but otherwise it is, where a

man is let to bail to four or two men by the Lord Chief Justice in Eyre of the Forest, until a certain day; for there he is always accounted by the Law to be in their Ward and Custody for the time: And they may, if they will, keep him in Ward or in Prison all that time, or otherwise at their will; so that he that is so bailed, shall not be said by the Law to be at large, or at his own liberty: Thus far *Manwood*. The *Mirror of Justices* distinguishing between *Pledges* and *Mainpernors*, saith, That *Pledges* are more general, and that *Mainpernors* are Body for Body, lib. 2. cap. de *Trespas* venial, and lib. 3. cap. des *Pledges* & *Mainpernors*. When *Mainpries* may be granted, and when not, see *Crompt. Just. of Peace*, fol. 136. and 141. and *Lamb. Eiren.* lib. 3. cap. 2. pag. 336, 337, 338, 339, 340. See also *Britton*, fol. 37. cap. des *Pledges* & *Mainpernors*. Lastly, The *Mirror of Justices* saith, That *Pledges* be those that bail or redeem any thing but the Body of a Man, but *Mainpernors* are those that free the Body of a Man; and therefore that *Pledges* belong properly to real and mixt Actions, and *Mainpernors* to personal.

Mainport, Is a small Duty, which, in some places, the Parishoners pay to the Rector of their Church, in recompence of certain Tythes. See *Waxshot. Spelman* in his *Glossary* saith, That *Vicaria de Wragly* (in Com. Lincoln) consistit in toto Alvaragio & in Ceragio, vulgariter dict. *Waxshot*, in panibus, vulgariter dict. *Mainport*, & in incremento denariorum Sancti Petri, vulgariter dict. *Fire-hearth*.

Maintainor, 19 H. 7. 14. Is he that supports or seconds a Cause depending in Suit between others, either by disbursing Money, or making Friends for either Party towards his help.

Maintenance, *Manutentio* & *manutentia*, Signifies the upholding of a Cause or Person, metaphorically drawn from succouring a young Child, that learns to go by ones hand: In Law it is taken in the worst sense, as appears by 32 H. 8. 9. And when a man's act in this kind is by Law accounted *Maintenance*, and when not. See *Broke*, tit. *Maintenance*, and *Kitchin*, fol. 202. and *F. N. B.* 172. and *Crompt. Jurisd.* fol. 38. The Writ that lies against a man for this Offence, is called *Maintenance*. See *Co. on Lit.* fol. 368. *Special maintenance*, *Kitchin*, fol. 204. Seemeth to be *maintenance*, most properly so termed. Of this see *Crompt. Just. of Peace*, fol. 155. and the *New Book of Entries*, verbo *Maintenance*.

Maison dieu, Is the French Name for an Hospital or Almshouse. See *Maison dieu*.

Maisura—*Baldwinus Comes Exon omnibus Baronibus suis & Hominibus Francis & Anglis*—dedi *Maisuram*, quam ipse tenet, &c. sine dat. MS. *Cervinum* penes *Eli. Ashmole*, *Arm.* Inter antiquas consuetudines Abbatie. S. Edmundi—*Siquis habuerit in villa unam maisuram terre dabit inde per annum praeposito 1. Oblolum ad 11. Terminos*—Et si quis plures maisuras habuerit tot obolos quot maisuras.—*Cartular. S. Edmundi.* MS. f. 314.

Maisus, Is a Writ or Proceeding in some Customary manners in order to a Tryal of Right of Land, and the Entry is—*Ad hanc Curiam venit W. L. in Propria Persona sua & dat Dominum n. Sol. ad respondendum. Retulit Curia & petit inquirendum. utrum ipse habet Maisus in uno Messuagio*, &c. an N. T. & super hoc *Homag. dicunt*, &c. Ex Libro MS. *Vocat Butterfield in Episcopat. Heref. de temp. E.* 3. fol. 244. b.

Make, *Facere*, Signifies to perform or execute; as to *make his Law*, is to perform that Law which he hath formerly bound himself to: That is, to clear himself of an Action commenced against him by his Oath, and the Oaths of his Neighbours, *Old Nat. Brev.* fol. 151. *Kitchin*, fol. 192. Which Law seemeth to be borrowed of the *Fudists*, who call those men

that come to swear for another in this case *Sacramentales*. Of whom *Hotomen* saith thus in verbis *Feudal. Sacramentales a Sacramento*, id est, juramento dicebantur ii, qui quamvis rei de qua ambigebatur, testes non fuissent, tamen ex ejus, cujus res agebatur, anima sententia, in eadem quo illi verba jurabant, illius videlicet probitate & innocentia confisi, &c. The formal words used by him that makes his Law, are commonly these, *Hear, O ye Justices, that I do not own this Sum of Money demanded, neither in all nor any part thereof in manner and form declared. So help me God, and the Contents of this Book. To make Services or Custom*, is nothing else but to perform them, *Old Nat. Brev.* fol. 14. To make Oath, is to take Oath.

Mala, A Mail, a *Porte-Mail*, a Bag to carry Letters, Writings, &c. Among the Rules of the Order of the Knights-Templar, cap. 40. *Sacculus & mala cum signatura non conceduntur*.—I suspect the word was Originally *British*, because *Mala* or *Maile* is said in the Modern *Irish* to signify a Pouch, Satchel, or Bag.

Malediction, *Maledictio*, A Curse which was of old usually annexed to Donations of Land made to Churches and Religious Houses. See the Charter of King *Arthelstane* to the Monastery of *Wiltune*, Anno 933. and the Charter of King *Eadred*, in *Mon. Ang.* 2. par. fol. 867.

Malefeasance, A doing of evil, *Cro. Rep.* 2. par. fol. 266. It is derived from the French *Mal-faire*, to offend or transgress.

Malesworn, In the North signifies as much as *for-sworn*, *Brownloe's Rep.* 4. *Hobart's Rep.* 8.

Malerent, or *Malentote*, *Malum vel indebitum Telonium*, In the Statute called *The Confirmation of the Liberties*, &c. 25 E. 1. cap. 7. Is interpreted to be a Toll of forty shillings for every Sack of Wool. *Stow* in his *Annals* calls it a *Maletot*, pag. 461. See also the Statute de *Tallagio non concedendo*, Anno 35 E. 1. Nothing from henceforth shall be taken of Sacks of Wool, by colour or occasion of *Malerent*. In France they had an extraordinary Tax called *Maletosse*.

Malin. See *Marle*.

Malt-muina, A Quern or Malt-mill. The word occurs in *Mat. Paris* Lives of the Abbots of *St. Albans*, &c.

Malt-shot, *Malt-scut*, some payment for making Malt.—*Solverit de Malt-shot termino circumsionis Domini 20 Denarios*. *Sommer* of *Gavel-kind*, p. 27.

Malveilles (from the French *Malveillance*, i. malice) may haply be used in our Records for *Misdemeanors*, or malicious Practices. *Record de hies qui fiebant in Parl.* 4. Ed. 3. liberata in *Cancellaria* per *Hen. de Ednaston Clericum Parl.*—*Les sont les Treasons, Felonies & Malveilles faitz par nostre Seigneur le Roy & a son Peuple per Roger de Mortimer*, &c. Ex Libro nigro de *Wigmore* penes *Edw. Harly*. mil. *Balnei*.

Malveis procuroys, In *Artic. super Chart.* cap. 10. Is understood of such as use to pack Juries by nomination, or other Practice, 2 *Infl.* fol. 551.

Malvelin, *Fr. Mauvais voisin, malus vicinus*, The ill Neighbour, a Warlike Engine so called, to cast Stones, &c. for Battery of Walls. *Propter petriariam qua Malvefine Gallie nuncupatur, qua cum machinis aliis Franci ante castrum locata muros acriter crebris ictibus verberabant*.—*Mat. Paris* sub Anno 1216.

Managium, (from the French *Manage*, a Dwelling or Inhabiting) a Mansion-House, or Dwelling-place.—*Concessi capitale Managium meum cum pertinentiis*.—*carta Nich. de Balsam* sine dat.

Maubote, Signifies a Recompence for Homicide, or a pecuniary compensation for killing a man. *Spelman* in

in his First Volume, *concl. fol. 622.* says, *Manbote, i. compensatio Domino persolvenda pro homine suo occiso, Anglorum lege Regi & Archiepiscopo tres marcas de hominibus eorum propriis sed Episcopo ejusdem comitatus & Confuli & Dapifero Regis, Viginti solidos, Baronibus autem aliis decem solidos, &c.* See *Lambert* in his *Explanation of Saxon words, verbo Æstimatio, and Hoveden* in *parte poster. annal. suor. fol. 344. & Bote.*

Manca, Was a square Piece of Gold, commonly valued at thirty pence; and *Mancusa* was as much as a Mark of Silver. See the Notes upon *Canutus Laws*, where it was called *Mancusa quasi manu cusa*, coined with the Hand.

Manciple, *Manceps*, A Caterer, An Officer anciently in the Temple, now called *The Steward*. Of whom our ancient Poet *Jeffrey Chaucer*, sometimes a Student there, thus writes,

*A Manciple there was in the Temple,
Of which all Gatours might take ensempel.*

This Officer still remains in Colleges in the Universities.

Mandamus, Is a Writ that lieth after the Year and Day, whereas in the mean time the Writ called *Diem clausit extremum* hath not been sent out to the Escheator for the same purpose for which it should have been sent forth, *F. N. B. fol. 253.* See *Diem clausit extremum*.

Mandamus, Is also a Charge to the Sheriff, to take into the King's hands all the Lands and Tenements of the King's Widow, that against her Oath formerly given, marryeth without the King's consent, *Reg. fol. 295.* See *Widow*.

Mandatus, *Mandataris*, He to whom a Charge or Commandment is given. Also he that obtains a Benefice by *Mandamus*.

Mandate, *Mandatum*, Is a Commandment of the King, or his Justices, to have any thing done for dispatch of Justice, whereof you shall see diversity in the Table of the Register Judicial, *verbo Mandatum*. The Bishops Mandates to the Sheriff, *31 Eliz. 9.*

Mandati dies, *Mandie* or *Maunday*-Thursday, the day before Good-Friday, when they commemorate and practice the Command of our Saviour, in washing the Feet of the Poor, &c. As our Kings of England have long practis'd the good old Custom on that day of washing the Feet of poor men, in Number equal to the Years of their Reign, and giving them Shoes, Stockings, and Money.

De Mandato panes, Loaves or Bread given to the Poor upon *Mandie*-Thursday. — *Abbas autem Willelmus augmentavit tres panes de mandato de uno quarterio panis, ita quod sint equales panibus conventus.* Chartular. Glaston. MS. f. 29.

Mandantes, Was of old used for Tenentes or Tenants, Council. Synodal. apud Clovelhoo, Anno 822.

Mangoin, *Mancon*, *Mongcon*, Mixt Corn, Mallin. *Idem compotat de uno quarterio & sex bussellis de Mancorn emptis vi. Sol. viii. Den.* — *Ex Compoto Domus de Farendon. MS. f. 18.*

Manning, *Manpera*, A days work of a man; in some Ancient Deeds there is a reserve of so much Rent, and so many mannings.

Mannopus, *Manopera*, Goods taken in the hands of an apprehended Thief. — *Facient judicium in coria sua de latrone qui vocatur Infrangentes, cum contigerit talem latronem capi cum mannopere intra feudum ipsius, ita quod catalla talia latronis eidem P. & heredibus suis remaneant.* — Chartular. Radinges. f. 156.

Mannus, A Horse. — *Letus itaque & alacer vir morarum impatiens jussit mannum preparari, simul*

cum his qui ad se venerunt ad insulam properans. Histor. Rames. Edit. Gale, cap. 53. *Matth. Paris* uses the same word for a Pad or Saddle-Horse, sub Anno 1107. From Sax. *Man*, a Horse. In the Laws of Alfred, we find *Man-theof*, for a Horse-stealer.

Manor, *Manerium*, Seems to be derived of the French *Manoir*, *habitat*io, or rather from *manendo*, of abiding there, because the Lord did usually reside there. *Shene de verb. Signif.* faith, It is call'd *Manerium quasi manerium*, because it is labour'd by hand-work: It is a noble sort of Fee granted partly to Tenants for certain Services to be performed, and partly reserved to the use of his Family, with Jurisdiction over his Tenants for their Farms. That which was granted out to Tenants, we call *Tenementales*; those reserved to the Lord, were *Dominicales*: The whole Fee was termed a Lordship, of old a Barony; from whence the Court, that is always an Appendant to the Manor, is called *The Court Baron*. Touching the Original of the *Manors*, it seems that in the beginning there was a circuit of Ground granted by the King to some Baron, or Man of worth, for him and his Heirs to dwell upon, and to exercise some Jurisdiction more or less within that compass, as he thought good to grant, performing such Services, and paying such yearly Rent for the same, as he by his Grant required, and that afterward this great man parcelled his Land to other meaner men, enjoying them such Services and Rents as he thought good, and so as he became Tenant to the King, the inferiors became Tenants to him. See *Perkins Reservations*; 670. and *Hornes Mirror of Justices*, lib. 1. cap. de *Roy Alfred*, and *Fulbeck*, fol. 18. And according to this our Custom, all Lands holden in Fee throughout France are divided into *Fiefs* and *arrieri fiefs*, whereof the former are such as are immediately granted by the King; the second, such as the King's *Feudataries* do again grant to others, *Gregorii Syntagma. lib. 6. cap. 5. num. 2.* In these days a *Manor* rather signifieth the Jurisdiction and Royalty incorporeal, than the Land or Scite. For a man may have a *Manor in gross*, (as the Law termeth it) that is, the right and interest of a Court Baron, with the Perquisites thereunto belonging, and another or others have every Foot of the Land, *Kitchin*, fol. 4. Broke, *hoc titulo per totum*, *Bracton*, lib. 4. cap. 31. num. 3. divideth *manerium* into *capitale & non capitale*. See *Fee*. A *Manor* may be compounded of divers things, as of a Horse, Arable Land, Pasture, Meadow, Wood, Rent, Advowson, Court Baron, and such like; and this ought to be by long continuance of time, beyond the memory of man. For at this day a *Manor* cannot be made, because a Court Baron cannot now be made, and a *Manor* cannot be without a Court Baron, and Suiters or Freeholders, two at the least; For if all the Freeholds, except one, eschet to the Lord, or if he purchase all, except one, there his *Manor* is gone *causa qua supra*, although in common speech it may be so called.

Manpygarnon, *Willielmus Walcote tenet manerium de Adington in Com. Sur. per servitium inveniendi, ad Coronationem Regis quoddam Potagium vocat. Manpygarnon.*

Manfion, *Mansio à manendo*, According to the definition of *Bracton*, lib. 5. cap. 28. num. 1. Is a dwelling consisting of one or more Houses. It is most commonly taken for the Lord's chief dwelling-house within his Fee, otherwise called *The Capital Mesuage*, or chief Manor-place; *Bracton*, lib. 2. cap. 26. *Mansion*, amongst the ancient Romans, was a place appointed for the Lodging of the Prince, or Soldiers in their Journey; and in this sense we read *Primam mansionem*, &c. It is probable, That this word *Mansion* doth

in some construction signifie so much Land as Bede calleth *Familiam* in his *Ecclesiastical History*. For Lambert in his *Explication of Saxon words*, verb. *Hida* terra, saith, That that which he calleth *Familiam*, others since call *Manentem vel mansam, mansus* & *mansum*, you may read in the *Feudists*, and in *Skene de verbor. Significat. verbo Mansus*. The Latine word *mansio* hath the same signification in the Charter granted by King *Kenulphus* to *Ruchin* the Abbot of *Abington*, mentioned by Sir *Edward Coke* in his *Book de jure Regis Ecclesiastico*; And in a Charter of *Edward the Confessor*, it is written *Manfa*. See *History of Pauls*, fol. 189.

Manfura & *Manfura*, Are used in *Doomsday*, and other ancient Records, for *manfiones vel habitacula villicorum*.

Manlaughter, Homicidium, Is the unlawful killing of a man, without premeditated malice. As when two, that formerly meant no harm one to another, meet together, and upon some sudden occasion falling out, the one killeth the other, *West. part 2. Symbol. tit. Inditements, fell. 44*. It differeth from *Murder*, because it is not done with fore-going malice: And from *Chance-Medley*, because it hath a present intent to kill. And this is *Felony*, but admitted to the benefit of Clergy for the first time, *Stamf. pl. cor. lib. 1. cap. 9. and Britton, cap. 9*. Yet is confounded with *Murder* in the Statute, *Ann. 28 E. 3. cap. 11*.

Manfum capitale, The chief *Manfa*, or Manor-House, or Court of the Lord. *Henry de Gily* gave to the Abbey of *Oseney*—*Capitale manfum meum in Weston*—*Paroch. Antiquit. p. 150*. Called sometimes *Curia capitalis*.—As *Thomas de S. Waleri* gave to the Abbey of *Oseney*—*totum manerium meum de Micebury cum capitali Curia*, *ibid. p. 151*. The word *Manerium* was sometime used in the same sense, to denote the Court or Mansion of the Lord.

Manfus, Aggiently a Farm, *Selden's History of Tythes*, pag. 62. *Manfum* or *manfus*, is sometimes confounded with *meffuagium*: *Spelman*.

Manfus Presbyteri, The *Manse* or House of Residence for the Parish-Priest; the Parsonage or Vicarage House.—*Habet etiam distus Vicarius* (i. e. de *Ambresdon*) *pro in habitatione sua illum manfum in quo Presbyter Parochie dista Ecclesie inhabitare consuevit, & duo cotagia eidem adjacentia*, *Paroch. Antiquit. p. 431*.

Mannta, *Manntum*, *Mantellum*, A *Manteau*, a Mantel.—*Rex indutus mantea*, &c. *Mat. Paris sub Anno 1188*.

Manntle, *Mantile*, May be drawn from the French word *Manteau*, and signifies with us a long Robe, *Ann. 24 H. 8. cap. 13*.

Manuallia Beneficia, The daily Distributions, or Portions of Meat and Drink allotted to the Canons and other Members of Cathedral Churches for their present Subsistence.—*Consecutionem qua in quibusdam partibus in olevit, qua Canonici & alii Beneficiarii seu Clerici Cathedralium & aliarum collegiarum Ecclesiarum distributiones cotidianas que alias manualia beneficia seu vidualia nuncupantur*, &c. *Tho. Lyfcaux Decani Paulini Liber Statutorum Ecclesie Sancti Pauli*, London. MS.

Manuallia Obedientia, Sworn Obedience, or Submission upon Oath.—*Henricus de Teildale Prior de Fincale & Rector Ecclesie de Giggleswick fecit pro illa Domino Johanni Archiepiscopo Ebor. manualem obedientiam die Synodi celebrata apud Ebor. 11 Kal. Maii 1295*.—*Collectan. Matthai Hutton, S. T. P. ex Registris Ebor.*

Manubrium, The handle or haft of a Sword or Dagger, *Jur. presentant, quod A. de C. Anrifaber 2. Junii, 2 Jac. apud S. pradiit, quoddam Manubrium Pugionis ferreum, Anglice a Dagger-hilt of Iron*, &c. *apud Maidston*.

Manucaprio, Is a Writ that lies for a man, who, taken upon suspicion of Felony, and offering sufficient Bail for his Appearance, cannot be admitted there-to by the Sheriff, or other having Power to let to Mainprise, *F. N. B. fol. 249*. See *Mainprise*. How diversly it is used, see the *Reg. Origin.* in the Table, and *Pryn's Animadversions*, fol. 268.

Manuel, *Manuels*, Any thing whereof present profit may be made, or that is employed or used by the hand, *Stamf. Prærog. fol. 54*. As a thing in the manual Occupation of one, i. actually used or employed by him.

Manumission, *Manumissio*, Is the freeing of a Villain or Slave out of his Bondage: The form of it, in the Conqueror's time, *Lambert in his 'Anglo-Saxon', fol. 126*. setteth down in these words, *Si quis velit servum suum liberum facere, tradat cum Vicecomiti, per manum dextram in pleno Comitatu & quietum illum clamare debet a jure servitutis sue per manumissionem; & ostendat ei liberam portas & vias & tradat ei libera arma scilicet, Lanceam & gladium & deinde liber homo efficitur*. Some also were wont to be manumitted by Charter. Vide *Broke, tit. Villenage, fol. 305*. The Terms of the Law make two kinds of *Manumission*, one expressed, the other implied: *Manumission* expressed is, when the Lord makes a Deed to his Villain, to infranchise him by this word *Manumittere*; The manner of which in old time was thus: The Lord, in the presence of other Persons, took the Bond-man by the Head, saying, *I will that this man be free*, and there-upon shewed him forward out of his hand. *Manumission* implied is, when the Lord makes an Obligation for payment of Money to him at a certain day, or sueth him, when he might enter without Suit, or granteth him an Annuity, or leaseth Land to him by Deed, for Years, or for Life, and such like. See *Nelf.*

I shall here insert an Ancient Charter of *Manumission* by *John Peckham*, Archbishop of *Canterbury*—*Novimus Universi presentes Scriptum videri vel audituri quod nos Frater Johannes permissione divina Cant. Archiepiscopus totius Anglie Primas presentis scriptura tenore manumittimus & ab omni jugo servitutis absolutimus perpetuæque libertatis titulo decoramus Robertum de Hempstede in Freintfeld quondam Nativum cum tota sequela sua procreata & procreanda. Ita quod idem R. & tota sequela sua predicta cum omnibus bonis & catallis ejus liberi in perpetuum remaneant & liberum statum plenamque & liberam administrationem eorundem bonorum & catallorum suorum sine calumpnia nostra vel successorum nostrorum optineant in futurum. In cujus rei testimonium & perpetuum facimentum presentis Scripto Sigillum nostrum duximus apponendum. Hiis Testibus Domino Tho de Marines, Rogero de Leukenore, Rogero la Ware, Will. Mauke militibus, &c. Dat. apud Tenham 11 Kal. Apr. MCC. Hagesimo octavo. Reg. Eccl. Christi Cant. penes J. Episcopum Norwic.*

Manuopera, Stollen Goods taken upon a Thief apprehended in the Fast. See *Manuopus*.

Manupadus, We often find it in the Law *Dialect*, to signifie a Domestic Servant, *Speim. Erit culpabilis tanquam de Manupasto Manwood, cap. 16. num. 6*. That is, he shall be culpable as of a thing done by one of his Family, *Gloss. in 10. Scriptor*.

Manupes, A Foot of full and Legal measure.—*Dedimus quietantiam de cccciv. acris mensuratis Anno Domini Regis Henrici Patris mei xxxij. præcepto ipsius, per peticum xxv pedum per manupedem in Com. Ebor.*—*Cart. Ric. 1.*

Manus. Was anciently used for an Oath; and for him that took it, a Compurgator; as we often find in Old Records, *Tertia, Quarta, Decima, manu jurare*; that is, the Party was to bring so many to swear

swear with him, that they believed what he vouched was true; if he swore alone, it was *propria manu*. So in the Visitation of the Diocese of London by Rob. Winchelsey, Archbishop of Canterbury, a Woman of Coggeshale in Essex accus'd of Adultery — *Mulieri hoc neganti purgatio sexta manu extitit indulta*. i. e. She was to vindicate her Reputation upon the Testimony of six Compurgators. *Reg. Escl. Christi Cant.*

¶ *Manus media & infima homines*, Men of a mean condition, of the lowest degree. — *Et plures mediz manus quos ex iustis & rationabilibus causis Rex Pater exheredaverat*. Radulphus de Diceto sub Anno 1112. — *Inferioris & infime manus homo*. *Idem* sub annis 1138. 1185.

¶ *Maintenance*, Is a Writ used in case of Maintenance, *Reg. Orig. fol. 182. & 189.* See Maintenance.

¶ *Mantworth*, The price or value of a man's Life or Head; for of old every man was rated at a certain price, according to his Quality, which price was paid to the Lord in satisfaction for killing him.

¶ *Mara*, A Meer, More, Lake, Pool, Pond, or place of Bog, Marsh, &c. — *Cadens super lacum, quem usu quotidiano loquendi Maram vocamus* — Will. Gemet. l. 2. c. 20. — *Castrum & manerium de Bolyngbroke cum sokene mara & marisco* — *Paroch. Antiquit. p. 418.* Called sometimes *Mera*, from Brit. *Mër*, Sax. *Mer*, Water. Whence a *Mere-Swine*, a Dolphin; a *Mear* or *Meer*, a Moor or low Marsh; *Mire* or Dirt, *Meers* or Ditches; *Mere-flangs*, and *Mere-stones*, set for Land-marks, or Boundaries in open Fields. See *Mera*.

¶ *Marches*, *Marchia*, Be the Bounds and Limits between Us and Wales, or between Us and Scotland, 24 H. 8. cap. 9. *Camd. pag. 453. & 606.* And the *Marches* of Scotland are divided into West and Middle *Marches*, 4 H. 5. 7. 22 E. 4. cap. 8. The word is used in the Statute of 24 H. 8. 12. generally for the Borders of the King's Dominions; And may be derived from the German *March*, i. *limes*, or from the French *Marque*, that is, *Signum*, being the notorious distinction between the two Countries or Territories.

¶ *Marchers*, Were the Noblemen that lived on the *Marches* of Wales or Scotland, who, in times past, as *Camden* saith, pag. 453. had their private Laws, as if they had been petty Kings, which are now abolish'd by 27 H. 8. cap. 26. Of these *Marchers* you may read 2 H. 4. 18. 26 H. 8. 6. 1 E. 6. 10. where they are called *Lords marchers*. See also 1 & 2 P. & M. cap. 15.

¶ *Marchet*, *Marchetum*, *Consuetudo pecuniaria*, in mancipiorum filiabus maritandis, *Bract. lib. 2. tit. 1. cap. 8. num. 2.* This Custom is in divers Parts of England and Wales, as also in Scotland and the Isle of Guernsey. See *Spelman* at large of it. *Coke on Lit. fol. 140.* says, It is called *Marchet*, as it were a *Chete* or *Fine* for Marriage. In the Mannor of Denever in Com. Carmarthen, every Tenant at the Marriage of his Daughter, pays by Custom Ten Shillings to the Lord, which, in the Brittain Language, is called *Gwabr merched*, that is, a Maids Fee. See *Maiden Rents*, and *Gwabr merched*.

¶ *Marchiare*, To adjoyn or border upon. — *Sex aera terre cum prato adjacente secundum quod marchiat ad pratum Prioris de Brecon.* — *Cartular. S. Johannis Brecon. MS. f. 74.*

¶ *Marculus*, A Hammer, a Mallet. — *Dentesque caninos tanquam maculo ferreo sive malleo confringamus.* *Girald. Cambrens. Apud Whartoni Angl. Sacr. Pars 2. p. 437.*

¶ *Marshall*, *Marescallus*, Is a French word, signifying as much as *Tribunus militum* with the Ancient

Romans, or *πολιταρχ* with the Greek, or *ἡγεμῶν*. *Trinquel. de nobilitate, cap. 8. pag. 42. num. 17.* The French word may seem also to proceed from the German *Marchalk*, i. *Equitum magister*, which *Histoman in verbis feudilibus verba* Marchalkus, derived from the old word *March*, signifying a Horse. Others make it of the two Saxon words, *Mar*, i. *equus*, and *Scalch*, i. *praefectus*; or according to *Verslegan*, from *Mare*, the general appellation of all Horses, (as Horse is now in English) and *Scale*, which in the ancient Teutonick, he affirms, to signify a kind of Servant, as *Sealeo* doth at this day among the Italians. With us there be divers Officers of this Name, but one most Noble of all the rest, who is called *Lord or Earl Marshal of England*, of whom mention is made in divers Statutes, 1 H. 4. 7. & 14. and 13 R. 2. cap. 2. His Office consists especially in matters of War and Arms, as well with us as in other Countries, whereof you may read *Lupanus de Magistratibus Francie, lib. 1. cap. Marehallus*, and *Tilius, lib. 2. cap. de Constabili Mariscallo*, &c. The next to this is the *Marshal* of the King's House, whose special Authority is (according to *Britton* and *Gwin* in the Preface to his Readings,) in the King's Place to hear and determine all Pleas of the Crown, and to punish faults committed within the Verge, and to hear and judge of Suits between those of the King's Household, &c. *Crompt. Jur. fol. 192.* of him you may read *F. N. B. fol. 241. & 18 E. 3. stat. 2. cap. 7. and 27 E. 3. stat. 2. cap. 6. and 2 H. 4. 13.* and divers others. Whoever desires to know farther of this Officer, and his Duty, may find it in *Fleta, lib. 2. cap. 4. & 5.* There be other inferior Officers of this Name, as *Marshal* of the Justices in Eyre, 3 E. 1. 19. *Marshal* of the King's Bench, 5 E. 3. cap. 8. and this hath the Custody of the King's Bench Prison in Southwark, *F. N. B. fol. 251.* And these inferior *Marshals* be either *ad placitum*, or in Fee, *Kitchin, fol. 143. Fleta* also, lib. 2. cap. 15. mentions a *Marshal* of the King's Hall, whose Office is, when the Tables be prepared, to call out both those of the Household and Strangers, according to their worth, and decently to place them, &c. There is also a *Marshal* of the Exchequer, 51 H. 3. stat. 15. to whom the Court committeth the Custody of the King's Debtors during the Term time, for securing the Debts. He also assigneth Sheriffs, Escheators, Customers, and Collectors, their Auditors, before whom they shall account. He hath all Inquisitions taken before Escheators *virtute Officii*, delivered unto him to be re-deliver'd by him to the Treasurer's Remembrancer in the Exchequer.

¶ *Marctum*, (from the Fr. *Maret*, a Fen or Marsh) Marsh-Ground, which the Sea or great Rivers overflow. *Coke 1 Inst. fol. 5. a.*

¶ *Marriage*, *Maritagium*, Signifies not only the Lawful conjunction of Man and Wife, but also the Interest of bestowing a Ward or a Widow in Marriage, *Magna Cart. cap. 6. and Bracton, lib. 2. cap. 3.* And also it signifies Lands given in Marriage, *Bracton, lib. 2. cap. 34. 39.* And in this signification the same Author saith, That *Maritagium* est, aut liberum, aut servitio obligatum, lib. 2. cap. 7. num. 3. 4. *Liberum maritagium dicitur, ubi Donator vult quod terra sic data queta sit & libera ab omni seculari servitio, quod ad Dominum feudi possit pertinere, & ita quod ille, cui sic data fuerit, nullum usum inde faciat servitium usque ad tertium Hæredem & usque ad quartum gradum, &c.* See *Skene de verb. Signif. verb. Maritagium*, (which according to *Glanville, lib. 7. cap. 1.*) is that Portion which the Husband receives with his Wife. See *Dower*.

¶ *Marinarius*, A Mariner, a Seaman. *Marinariorum Capitaneus*, the Admiral or Warden of the Ports.

Ports, which Offices were commonly united in the same Person; the word *Admiral* not coming into use before the latter end of King Edward the First, before which time the King's Letters run thus—*Rex Capitaneus Marinariorum &c. eisdem Marinariis Salutem.* Paroch. Antiduit. p. 32.

Maricola, A Shrine or Image of the Virgin Mary.—*Hic quoque fere perfecti pulchram Mariolam pertinentis.*—Mat. Paris in vitis Abbatum S. Albani.—in australi Ecclesia parte, juxta nobilem Mariolam. *Ibid.*

Maritagio amisso per defaultam, Is a Writ for the Tenant in Frank-Marriage, to recover Lands, &c. whereof he is divorced by another, Reg. fol. 171.

Maritagio forisfacto, Is a Writ. See *Forisfactura maritaggi*.

Mark, Merca, From the Saxon *Mearc*, signum, was a Piece of Silver money worth Thirty Pence, Lamb. Explication of Saxon words, verbo Mancusa. In old time a Mark of Gold was the quantity of Eight Ounces, Stowes Annals, pag. 32. and pag. 691. Twelve Marks of Gold Troy-weight was two hundred pounds of English Money, after which rate every mark weighed sixteen pounds, thirteen shillings, four pence. Skene de verb. Signif. verb. Mark, faith, That in Tractatu de ponderibus & mensuris, a Mark signifieth an Ounce weight, or half a Pound, whereof the Dram is the eighth part, as the Ounce is the eighth part of a Mark, citing Cassianus de consuetud. Burg. Rub. prim. sect. 7. verb. Solz Turnoys. A Mark of Silver every man knows is now thirteen shillings and four pence.

Maritagium habere, To have the free disposal of an Heiress in Marriage, a Favour granted by the Kings of England, while they had the Custody of all Wards or Heirs in minority.—*Mandatum est Vice-Com. Oxon. quod habere faciat W. Com. Sarum, maritaggi filii Richardi de Camvil geniti de Eustachia*—ad opus Willielmi sui primogeniti. Paroch. Antiquit. p. 182.

Maritima Anglia, The Emolument arising to the King from the Sea, which Sheriffs anciently collected, but was afterwards granted to the Admiral. Pat. 8 H. 3. m. 4. Ricardus de Lucy dicitur habere Maritima Anglia.

Market, Mercatus, May be derived from the French *Marche*, i. Emporium; it signifies with us the same thing, and also the Liberty or Privilege whereby a Town is enabled to keep a Market, Old Nat. Brev. fol. 149. So doth Bracton use it, lib. 2. cap. 24. num. 6. & lib. 4. cap. 46. where he shews, That one Market ought to be distant from another, *Sex Leucas & dimidium & tertiam partem dimidia*. The reason whereof both he and Fleta give in these words, *Quia omnes rationabiles dicta constant ex 20. milliariis* Dividatur ergo Dieta in tres partes, prima autem matutina detur cunctibus versus mercatum, secunda detur ad emendum & vendendum; qua quidam sufficere debet omnibus nisi sint forte mercatores statarii, qui merces deposuerint & exposuerint venales, quibus necessaria erit prolixior mora in mercatu, & tertia pars relinquatur redemptibus de mercatu ad propria, &c. lib. 4. cap. 28. sect. Item refert. By the Statute 27 H. 6. 5. all Fairs and Markets are forbidden to be kept upon any Sunday, or upon the Feasts of the Ascension of our Lord, Corpus Christi, or the Assumption of our Blessed Lady, All-Saints, or Good-Friday, except for necessary Victuals, and in the time of Harvest.

Marketheld, more truly **Marketheld**, It signifies Toll of the Market. The word *Zeld* denoting a payment. It is elsewhere written *Marketheld*. Plac. apud Cestriam, 31 E. 3.

Mark-peny, Every Inhabitant at Maldon, who had Pipes or Gutters laid out of their Houses into the Street, paid one penny, Hill. 15 E. 1. Mr. Phillips of Purveyance.

Marle, Marla, Is a kind of Earth or Mineral, which men in divers Counties of this Kingdom cast upon their Land to make it more fertile: It is also called *Malin*, 17 E. 4. cap. 4.

Marlerium or **Marletum**, A Marle-pit; Mr. Dugdale hath an old Deed by him, wherein is mentioned this word, *Sciatis, &c. quod ego Rog. La Zouch dedi, &c. & quod habeant omnem libertatem, &c. in bovis, in planis, &c. in marleriis & omnibus aliis locis ad praedicti. Manerium de Tonge spectant. Et quod capiant marlam pro voluntate sua ad terram suam marland, &c. Reddendo, &c.* And elle we may read twenty Acres terra Marlatas, that is, marled Land.

Marque, From the Saxon *Mearc*, Signum: We use the word in the same sense to this day, when we say, Give such a thing a mark or sign; but in our Ancient Statutes it signifies as much as Reprisals, as Anno 4 H. 5. cap. 7. where *Marque* and *Reprisal* are used as Synonyma; and Letters of *Marque* are found in the same signification in the same Chapter. See *Reprisals*, and see also *Marches*.

Marquis or **Marquess**, *Marchio*, Is now a Title of Honour next before an Earl, and next after a Duke; by the Opinion of Hotoman, verb. *Marchio in verbis feudilibus*: The Name is derived from the German *March*, i. *Limes*, signifying originally as much as *Custos limitis*, or *Comes & praefectus limitis*. It was an Ancient Custom among the Britains, and after them, of the Saxons, to give the Title of *Reguli* to all Lords that had the Charge and Custody of *Marches* and *Limits*.—See *Selden's Mare Claus.* lib. 2. cap. 19. From hence it was, that in the time of Richard the Second, came up first the Title of *Marquesses*, which is a Governour of the *Marches*; for before that time, those that governed the *Marches*, were called commonly *Lords Marchers*, and not *Marquesses*, as Judge Dodaridge hath observed in his *Law of Nobility and Peerage*, under the Title of *Marquesses*, pag. 31.

Mariscus, A word frequent in *Doomsday*, and signifies *Palus*, or *locus paludosus*, a marshy or fenny Ground. See *Doomsday Book*.

Marra, A Garden-Tool, a Howe, a Pick.—*Videres lathomum inistratum marras, picos, seculas balulantes, terram fodientem, lapides scindentem, &c.* Vita Roberti Betun Episcopi Hereford, apud Whar-toni Angl. Sac. Pars 2. p. 302.

Marrow, Was a Lawyer of great Account in Henry the Seventh's days, whose learned Readings are extant, but not in Print, Lamb. Eirenarch. lib. 1. cap. 10.

Marshall. See *Marshall*.

Marshall, *Marescallia*, Is the Court or Seat of the *Marshal*, of whom see *Crompt. Jur.* fol. 102. It is allowed for the Prison in *Southwark*; the reason whereof may be, because the *Marshal* of the King's House was wont perhaps to sit there in Judgment, or keep his Prison. See the Stat. 9 R. 2. cap. 5. and 2 H. 4. cap. 23. King Charles the First erected a Court by Letters Patents under the Great Seal, by the Name of *Curia Hospitalii Domini Regni, &c.* which takes Cognizance more at large of all Causes than the *Marshalsee* could; of which the Knight *Marshal* or his Deputy are Judges.

Marsum, A word used in *Doomsday Book*, and interpreted by Mr. Agor of the Receipt of the Exchequer, to signify a quantity of Coyn, *sed quare*.

Marternas. See *Purre*.

Martial Law, Is the Law of War, depending upon the Pleasure of the King, or his Lieutenant: For though the King in time of Peace never makes any Laws, but by common consent in Parliament; yet in War he useth absolute Power, inasmuch that His word is a Law, *Smith de Repub. Anglor. lib. 2. cap. 4.* See *Law of Arms*.

Martirology, Martyrologium, Martilogium, A Calendar or Register kept in our Religious Houses, wherein they set down the Donation of their Benefactors, and the days of their Death, that upon each Anniversary they might commemorate and pray for them. And therefore several Benefactors made it a Condition of their Beneficence, to be inserted in the Martyrology. — So *Isabel Gargate* required from the Prior and Canons of *Burcester*, for the Favours done to them by her self and Mother. — *Cum de hac vita migraverimus, facient nomina nostra scribi in Martyrologio suo.* *Paroch. Antiq. p. 189.* See *Mr. Kennet's Glossary*.

Mas-Priest, Anciently in England every Secular Priest, in distinction from the Regulars, was called a *Mas-Priest*, who was to officiate in the *Mas*, or ordinary Service of the Church. Hence *Messe-Priest* in many of our Saxon Canons for the Parochial Minister; who was likewise sometimes called *Messe-Thegne*, because the Dignity of a Priest in many Cases was thought equal to that of a *Thein* or Lay-Lord. But when the times of greater Superstition came on, the word *Mas-Priest* was restrained to those Stipendiary Creatures, who were retain'd in Chantry, or at particular Altars to say so many Masses for the Souls of the deceased.

Mas, Glans, Glandis nomine continentur glans, castanea, fagine, siccis & alia quaque que edi & potui poterunt prater herban. *Bracton, lib. 4. 226.* See *Pelona*.

Master of the Rolls, Magister Rotulorum, Is an Assistant to the Lord Chancellor, or Lord Keeper of the Great Seal of England, in the High Court of Chancery, and, in his absence, hearth Causes there, and giveth Orders, *Cramp. Jur. fol. 41.* His Title in his Patent is, *Clericus parve Bagge, Custos Rotulorum & domus conversorum*. This *Domus conversorum* is the House where the Rolls are kept, so called, because the Jews that were converted to Christianity, inhabited there: But this Office seems to take denomination from the safe keeping of the Rolls of all Patents and Grants that pass the Great Seal, and of all Records of the Court of Chancery, &c. He is called *Clerk of the Rolls*, 12 R. 2. cap. 2. and in *Fortescue, cap. 24.* and no where *Master of the Rolls*, until 11 H. 7. 20. and yet 11 H. 7. cap. 25. he is also called *Clerk*: *Sir Thomas Smith de Rep. Ang. lib. 2. cap. 11.* faith, He might not unfitly be called *Custos Archivorum*: The Offices of the six Clerks, Clerks of the Petty-Bag, Examiners of the Court, and Clerks of the Chappel, are all in his dispose, Anno 14 & 15 H. 8. cap. 1. See *Rolls*.

Master of the Mint, Anno 2 H. 6. 14. Is now called the *Warden of the Mint*; and his Office is to receive in the Silver and Bullion to be Coined, and to take care thereof, &c.

Master of the Court of Wards and Liberties, Magister Curie Wardorum & Liberationum, was the chief Officer and Judge of the Court, named and assigned by the King, to whose Custody the Seal of the Court was committed. See Anno 33 H. 8. cap. 33. But this Court with the Officers, Members, Power, and Appurtenances thereof is taken away and dissolved by the Statute made in Anno 12 Car. 2. cap. 24.

Master of the Horse, Is he that hath the Rule and Charge of the King's Stable, being an Office of High

Account, and always bestowed upon some Nobleman of great Merit. He is mentioned 39 Eliz. 7. and 1 E. 6. 5. This Officer, under the Roman Emperors, was called *Comes sacri stabuli*.

Master of the Posts, Was an Officer of the King's Court, that had the appointing, placing, and displacing of all such through England as provide *Post-horse*, for the speedy passing of the King's Messages, and other Business, in the thorow-fair Towns where they dwell; as also to see that they keep a certain number of convenient Horses of their own, and when occasion is, that they provide others wherewith to furnish such as have Warrant from him to take *Post-horses*, either from or to the Seas, or other Border or Places within the Realm: He likewise hath the care to pay them their Wages, and make them Allowance accordingly as he shall think meet: This Officer is mentioned Anno 2 E. 6. 3. But now by a Statute made 12 Car. 2. cap. 34. One General Letter-Office or Post-Office is settled in London, the Master of which is appointed by the King by *Letters Patent*, with Rates and Rules prescribed in the Act for carriage of Letters. The Master thereof at present is his Royal Highness *James Duke of York*.

Master of the Armoury, Is he that hath the Care and Over-sight of His Majesty's Armour in any standing Armories, with Power of placing and displacing all inferior Officers thereto appertaining: Mention is made of him 39 Eliz. cap. 7.

Master of the Jewel-House, Is an Officer in the King's Household, of great Credit, being allowed *Bouge of Court*, that is, Dyet for himself and inferior Officers, viz. Clerks of the *Jewel-House*, and a special Lodging in Court, having Charge of all Plate of Gold, of Silver double or parcel gilt, used for the King or Queens Table, or to any Officer of Account that attends the Court, and of all Plate remaining in the Tower of London, of Chains and loose Jewels, not fixed to any Garment: He is mentioned 39 Eliz. cap. 7.

Master of the King's Household, Magister Hospitalis Regis, Is otherwise called *Grand Master of the King's Household*, and also *Lord Steward of the King's most Honourable Household*, 32 H. 8. 39. But in the first of Queen Mary, and ever since, he is called *Lord Steward of the King's Household*, under whom there is a Principal Officer, called the *Master of the Household*, of great Authority as well as Antiquity.

Master of the Ordnance, 39 Eliz. 7. Is a great Officer, to whose Care all the King's Ordnance and Artillery is committed, being some great man of the Realm, and expert in Martial Affairs.

Magisters of the Chancery, Magistri Cancellarii, are Assistants in Chancery to the Lord Chancellor, or Lord Keeper of the Great Seal, in matters of Judgment. Of these, there are some Ordinary, some Extraordinary: Of Ordinary there are twelve (whereof the *Master of the Rolls* is accounted one) whereof some sit in Court every day in each Term, and have referred to them (at the Lord Chancellor's, Lord Keeper's, or *Master of the Rolls* discretion) Interlocutory Orders, for stating Accounts, computing Damages, and the like; taking of Oaths, Affidavits, and acknowledgments of Deeds and Recognizances. The Extraordinary do Act in all the Country ten miles from London, by taking Recognizances and Affidavits, acknowledgment of Deeds, &c. for the ease of the Subject.

Master of the King's Musters, Is a Martial Officer in all Royal Armies most necessary, as well for maintaining the Forces compleat, well armed, and trained, as also for prevention of such Frauds as otherwise may exceedingly waste the Prince's Treasure, and extremely weaken the Forces: He hath the over-sight of all

all the Captains, and their Companies, and ought to have at the beginning delivered unto him by the Lord General perfect Lists and Rolls of all the Forces, both Horse and Foot, &c. He is mentioned Anno 2 E. 6. cap. 2. and called *Maſter-Maſter-General*, 35 Eliz. 4.

Maſter of the Faculties, (*Magiſter Facultatum*) Is an Officer under the Archbishop of Canterbury, who grants Licenſes and Diſpenſations; and is mentioned 22, 23 Car. 2. Statute for laying Impoſitions at Law.

Maſter of the Wardrobe, *Magiſter Garderoba*, Is a great and principal Officer in Court, having his Habitation and Dwelling-Houſe belonging to that Office, called *The Wardrobe near Puddle-wharf in London*: He hath the Charge and Cuſtody of all former Kings and Queens Ancient Robes remaining in the Tower of London, and of all Arras and Tapeſtry Hangings, Bedding, &c. He hath alſo the Charge and delivering out of all Velvet or Scarlet Liveries, to any of His Maſteſty's Servants, &c. mention is made of him 39 Eliz. 7.

Maſſinus, A great Dog, a Maltive. Fr. *Maſlin*. — *Rex præcepit quod expeditio maſſinorum fiat, ubique ſera ſua pacem habent, vel habere conſueverunt*. Aſſiſa Foreſte Itin. 11. Artic. 6. — *Canes & Maſſini per omnes Foreſtas Angliæ occiduntur*. Hen. Knighton, l. 2. c. 15.

Maſura, (Fr. *Maſure*) an old decayed Houſe or Wall, the Ruins of a Building. — *In Burgo fuerunt 118 Maſurae reddebant 4 l. 2 s. Doomsday*.

Maſura terra, *Sunt in eiſdem maſuris 60. Domus plus quam ante fuerunt*, Doomsday. It is a quantity of Ground, containing about four Oxgangs.

Maſtracula, A Register. As in the Ancient Church there was *Matricula Clericorum*, which was a Liſt or Catalogue of the Officiating Clergy: And *Matricula Pauperum*, which was an Account of the Poor to be relieved. Hence to be entered in the Register of the Univerſity of Oxford, is to be *matriculated*, &c.

Matris Eccleſia, The Mother Church, either a Cathedral Church, in reſpect of the Parochial within the ſame Dioceſe: Or a Parochial Church, in reſpect of the Chappels depending on her.

Matter in Deed, and *Matter of Record*, Are ſaid to differ thus: In *Old Nat. Brev. fol. 19. Matter in Deed* ſeems to be nothing elſe but a Truth to be proved, though not by any Record: And *Matter of Record* is, that which may be proved by ſome Record: For Example, If a man be ſued to an *Exigent*, during the time he was in the King's Wars; this is *matter in Deed*, and not *matter of Record*: And therefore he that will alledge this for himſelf, muſt come before the *Scire facias* be for execution be awarded againſt him, for after that nothing will ſerve but *matter of Record*; that is, ſome Error in the Proceſs appearing upon Record. *Kitchin, fol. 215. maketh a difference between matter of Record, and a ſpecialty, and nude matter*: Where he ſaith, That *nude matter* is not of ſo high a nature as either *matter of Record*, or a *ſpecialty*, otherwiſe there called *matter in Deed*; whereby it ſeems, That *nude matter* is a naked allegation of a thing done, to be proved only by Witneſſes, and not either Record or other ſpecialty in writing under Seal.

Maugre, Is a Compound of the two French words, *Mal* and *Gre*, i. *iniquo animo*; ſo that it is as much as to ſay, with an unwilling mind, or in deſpight of another, and ſo it is uſed in *Lit. Sel. 672*. Where it is ſaid, That the Husband and Wife ſhall be remitted, *maugre* the Husband, that is, in deſpight, or againſt the Will of the Husband.

Maum, A ſoft brittle Stone in ſome Parts of Oxfordſhire, which the Inhabitants call *Maum*. Dr. Plott's *Nat. Hiſt. of Oxfordſhire*, p. 69. The Saxon Interpreter of *Oroſius*, uſes the word *Maalm-ſtan*, which

Mr. *Sammer* renders *Soft-stone*. And in *Northumberland* they ſtill uſe the word *Maum* or *Moun*, for ſoft and mellow.

Mauud, A kind of great Basket or Hamper, containing eight Bales, or two Fats. See the *Book of Rates*, fol. 3.

Maupigynnum, An old ſort of Broth or Peſt-tage. *Robertus Agyllon tener unam curvatum terram in Adington in Com. Surrei per ſerjantiam faciendi unum ferculum in olla lutea in coquina Domini Regis de curvationis ſua & vocatur Dilligrout, & ſi ſic de qua (ſagimen) in illo ferculo vocatur Maupigynnum*. — An. 39 H. 3. Mr. *Blount* of *Tenures*, p. 1.

Maxims in Law, Are Poſitions and Theſes, being conſolutions of Reaſon, and univerſal Propoſitions, ſo ſure and perfect, that they may not be impugned or diſputed. For Co. upon *Lit. ſaith*, That *Principia probant non probantur*, and therefore *contra negantem Principia non eſt diſputandum*: It is another maxim, That *as no Eſtate can be veſted in the King, without matter of Record, ſo none can be diſveſted out of him, but by matter of Record*. For things are diſolved as they are contracted, Co. Rep. 1. *Cholmeſey's Caſe*. Another, That an Obligation, or other matter in Writing, cannot be diſcharged by an Agreement by word, And *Argumentum ab autoritate fortiffimum eſt in Lege*, Co. on *Lit.* pag. 141. and many other. See Co. on *Lit.* fol. 11. And ſee alſo *Doct. and Student*.

Mayor, Is the chief Magiſtrate of a City, and anciently among the Britains called *Meyr*, which is derived from the Britiſh word *Mirer*; which ſignifies *Cuſtodire*, to keep and preſerve; and not from the Latine *Major*, greater. Anno 1189. *Richard the Firſt* changed the Bayliſſ of London into a Mayor, and by that Example 1204. King *John* made the Bayliſſ of Kings *Lyn* a Mayor, while *Norwich* obtained not that Title till the Seventh of *Henry the Fifth* 1419. See more of this word in *Spelm. Gloſſ*.

Mazer, *Mazarum*, A Drinking-bowl. — *Iſe Abbas reliquit — unum ſalarium argenteum, & pſicarium argenteum, item quatuor cyphos de Mazere videlicet duos cum pedibus, &c.* Chartular. *Glaſton. MS. f. 54. a.* What this *Mazere* was, of which the Bowls called commonly *Mazers*, were made, is not agreed on by Authors. *Sommer* thinks it Maple-wood, *Du Freſne* believes it *Marrhine-stone*. I believe it was what we now call *Porcellane*.

Mazle-rents, Are certain Rents ſtill ſo called, but now paid in Money, which heretofore, by ſome Tenants, in the honour of *Clun*, were paid in meal, to make meat for the Lord's Hounds.

Meals, The Shelves of Sand or Banks on the Sea-Coaſts on *Norfolk*, are called the *Meals*, and the *Males*.

Meane, *Medius*, Signifies the middle, between two extremes, and that either in time or dignity. For Example of the firſt, His Action was mean betwixt the Diſciſin made to him and his recovery, that is, in the interim, (or as we uſually ſay, in the mean time.) Of the ſecond, there is Lord *Mean* or *Mejne*, (mentioned in the Statute of *Amortifying Lands*, made *tempore E. 1.*) and Tenant. See *Meſne*.

Meſne, *Meſſuagium*, Seemeth to come from the French *Maſon*, or rather *Meix*, which word you read in *Cassanous de Conſuet. Burgund. pag. 1195* and interpreted by him *Manſus*. What *Manſus* is, ſee *Manſion*: It ſignifies a Meſſuage or Dwelling-houſe, *Kitchin, fol. 139.* and *F. N. B. fol. 2. Stat. Hiberniæ, 14 H. 3. and 21 H. 8. 13.* In ſome places called corruptly a *Mife* or *Mifeplace*. See *Mife*, and *Meſne*, and *Meſſuage*.

Meſne. See *Meſne*.

Meſon.

Maſon-huſe, In French *Maſon de dieu*, *Domus Dei*; A Houſe of God, A Monaftery, Religious Houſe, or Hoſpital; the word is mention'd 2 *E. 3. P. & M. cap. 23.* 39 *Eliz. 5.* and 15 *Car. 2. 7.*

Meaſure, *Meſura*, According to the 25th. Chapter of *Mag. Chart.* and the Stat. 17 *Car. 1. cap. 19.* all Weights and Meaſures in this Kingdom ought to be the ſame, and according to the King's Standard. See 4 *Inſt. 273.* & *Meſura*.

Meaſurer. See *Alneger*.

Meaſuring-money, That certain Letters Patents, whereby ſome Perſon exacted of every Cloth made, certain Money, beſides Alnage, called the *Meaſuring-money*, may be revoked. *Rot. Parl. 11. H. 4.*

Meaſter, The *Saxon Dictionary* interprets it to be a Bribe or Reward; it alſo ſignifies that Compensatiſon gives in an Exchange, where the things exchanged are not of equal value; as in 4 *E. 3. Hoc ſcriptum ſaſt. 20. die Decemb. inter Dominum Hugonem de Courtenay ex parte una & Rich. Stanlake, & Johannam uxorem ejus ex altera parte teſtatur, quod idem Dominus Hugo in excambium remiſit, &c.* and at laſt it follows, *Quod ipſi non dabunt Medfee.* See *Arrura*.

Mediators of Questions, Anno 27 *E. 3. Stat. 2. cap. 24.* Where ſix Perſons, authorized by that Statute, (who upon a Queſtion riſen amongſt Merchants touching any unmarketable Wool, or undue Packing) might before the Mayor and Officers of the Staple, upon their Oath certifie and ſettle the ſame; to whoſe Order therein the Parties were to give Cre- dence without any contradiction.

Mederia, A Mead-Houſe, or place where Mede or Metheglin was made. — *Robertus Abbas Glaſtonia tempore Henr. II. remiſit ſuis Monachis ceram & mel qua de mederia percipere ſolebant ejus Anteceſſores.* — Chartular. Abbat. Glaſton. MS. fol. 29. Hence *Medarius*, the Mede-maker. — *Salva penſione decem marcarum quas idem Prior tenetur ſolvere quatuor officialibus Glaſton. videlicet Hoſtialiario, Infirmary, Gardinario, & Medario.* Chartular. Abbat. Glaſton. f. 29.

Mediatas Linguz, Denotes a Jury impanelled upon any Cauſe, wherein a Stranger is Party, where- of the one half conſiſts of Denizens, the other of Strangers, and is uſed in Pleas, where one Party is a Denizen, and the other a Stranger; and this manner of Tryal was firſt given by the Statute of 27 *E. 3. Stat. 2. cap. 8.* and 8 *H. 6. cap. 29.* And by the Statute of 28 *E. 3. cap. 13.* it was granted in Caſes where the King himſelf was Party with an Alien: Before the firſt of theſe Statutes was made, this was wont to be obtained of the King, by Grant made to any Company of Strangers, *Stamf. Pl. Cor. lib. 3. cap. 7.* and is called a *Party-Jury*, Anno 14 *Car. 2. cap. 11.*

Medio Acqueriendo, Is a Writ Judicial, to diſtrain a Lord for the acquitting a mean Lord from a Rent which he formerly acknowledged in Court not to be- long to him, *Reg. Jud. fol. 29.*

Mediterranean, Is that which paſſeth through the miſt of the Earth. And for that reaſon the Sea which ſtretcheth it ſelf from Weſt to Eaſt, dividing Europe, Aſia, and Africa, is called *The Mediterranean Sea*; It is mention'd 12 *Car. 2.* in the Statute of *Tonnage*.

Medium Tempus, Was of old taken to ſignifie the mean Profits, as *Annuum, diem & medium tempus.* See *Flem.*

Medietate Crump, *Juſt. of Peace*, fol. 193. Is that which *Bracton* calleth *Medietatem*, lib. 3. tract. 2. cap. 35. It ſignifies Quarrels, ſcuffling or brawling, and to be derived from the French *Meſter*, i. *miſcere*, *culpa di-*

citur quam quis inopinatè commiſerit non rixando ſolum & pugnando ſed inmiſcendo ſe paſſive rei cuius vel ne- gotio, ſaith Spelman. Hence our uſual Phraſe, *To meddle with other Folks Buſineſs.*

Mediſſupp, A Harveſt-Supper, or Entertain- ment given to the Labourers at Harveſt-Home. — *In manerio de Stiveton Com. Berk. quando Tenentes metunt terras Domini habebant convivium quod vocatur Mediſſupp, & dabunt Domino unum ex hennium de dua- bus lagenis vini & una Auca.* — *Placit. 9 Ed. 1.*

Meere, *Merus*, Though an Adjective, yet is uſed as a Subſtative, to ſignifie *meere right*, *Old Nat. Brev. fol. 2.* in theſe words. This Writ hath but two Iſſues, viz. joyning the *miſe* upon the *meere*, and that is to put himſelf in the *Great Aſſiſe* of our Sovereign Lord the King, or to joyn *Battel*. See *Miſe*.

Meſgbote. See *Meſgbote*.

Meſt-feot, The reward and recompence due and given to him that made the diſcovery of any breach of Penal Laws committed by another. The Promoter or Informer's Fee, ſee the *Saxon Dictionary*.

Meliores. See *Tales*.

Meiny, *Menagium*, French *Meſnie*, As the King's meiny, 1 *R. 2. cap. 4.* That is, the King's Family or Houſhold Servants.

Melius inquirendo, Is a Writ that lyeth for a ſecond inquiry of what Lands and Tenements a man died ſeized, where partial dealing was ſuſpected upon the Writ of *Dicm clauſit extremam*, *Fitz. Nat. Brev. fol. 255.*

Memorie, Monuments or Sepulchres of the Dead. — *Qui conveniunt ad vigiliis noſtris in vigiliis Sanctorum ad eorum Eccleſias vel memorias vel ad exequias defunctorum.* *Epist. Rob. Groſteteſt apud Append. ad Faſciculum, p. 315.*

Memories, Are ſome kind of Remembrances or Obſequies for the Dead, in Injunctions to the Clergy, 1 *E. 6.*

Menials, As *menial Servants*, (a derivative from *Mania*, ſignifying the Walls of a Houſe, or other Place,) are Houſhold-Servants, that is, ſuch as live within the Walls of their Maſter's Houſe, mentioned in the Stat. 2 *H. 4. 21.*

Menſalia, Were ſuch Parſonages or Spiritual Livings as were united to the Tables of Religious Houſes, and were called *Menſal Benefices* amongſt the Canonists.

Menſis vetitus, — *Habuit in predicto boſca centum capras cum ſua ſeſſa per totum annum tam in menſe vetito quam alio tempore, &c.* *Pla. Parl. 18. E. 1.* See *Fence-monet*.

Meſura, In a Legal ſenſe is taken for a Buſhel, as *Meſura Bladi*, a Buſhel of Corn. So in the Re- giſter of the Priory of *Cokesford*, it is uſed to the ſame purpoſe, viz. *Prior habet meſuras tam aridorum quam liquidorum ſignatas ſigno Domini Regis & quod nullus debet vendere nec emere in foro niſi per eas.*

Meſura Regalis, The King's Standard-measure, kept in the *Exchequer*, according to which all others are to be made. See 17 *Car. 1. cap. 19.* Vide *Measure*.

Mera noctis, Midnight. — *Herlewinus Abbas Glaſton. ſacro unguine delibatus in mera noctis diem clauſit extremum.* Chartular. Abbat. Glaſton. MS. f. 10.

Mercandisa, All Goods and Wares expoſed to Sale in Fairs or Markets. — *In omnibus burgis & vil- latis noſtris, & etiam in ſingulis Nundinis & Mercatis noſtris libere valeant emere & vendere omnes Mercan- diſas abſque ullo ſheloneto ſeu ſhallagio.* *Paroch. Anti- quit. p. 311.* And therefore the word *Mercator* was not reſtrain'd, as it ſeems now to be, to Merchants or Traffickers in Foreign Commodities, but extended

to all sorts of Traders, or Buyers and Sellers. — *Omnes hominis & mercatores honoris de Walingford* — *ibid.* p. 113. And therefore if the Scotch call their very Pedlars Merchants, they keep the Primitive use of the word.

Merccarius, A Mercer. — *Concessi & confirmari* Thoma de Brandon Civi & Mercio London, *tenementum*, &c. 28 Ed. 3. — *Munimenta Coll. SS. Trin. de Pontefracto.* MS. fol. 27.

Merccennarius, A Hireling, a Servant. — *Ego & heredem mei & libera familia mea ad capellam de Asote oblationes deferemus. Mercennarii vero & Tenentes mei de Asote & famuli eorum adhibent ipsam capellam.* Chartular. Abbat. Glaston. MS. f. 115.

Merchenlage. Is one of those three Laws out of which the Conqueror framed our Common Laws with a mixture of the Laws of Normandy, and was the Law of the Mercians, when they governed the third part of this Realm. For Camden in his *Britannia*, pag. 94. &c. saith, That in the Year 1016. this Land was divided into three Parts, whereof the West Saxons had one, governing it by the Law called *West-Saxenlage*, and that contained these nine Shires, Kent, Sussex, Surrey, Berkshire, Hampshire, Wiltshire, Somerset, Dorset, and Devonshire. The second by the Danes, which was ruled by the Laws called *Danelage*, and that contained these fifteen Shires, York, Derby, Nottingham, Leicester, Lincoln, Northampton, Bedford, Buckingham, Hertford, Essex, Middlesex, Norfolk, Suffolk, Cambridge, and Huntingdon. The third was possessed and govern'd by the Mercians, whose Law was called *Merchenlage*, and held these eight, Gloucester, Worcester, Hereford, Warwick, Oxford, Chester, Salop, and Stafford. Out of these three (which relate not at all to a different Law, Custom, or Usage, but to several sorts of Amerciements, Mulcts, and Fines, for the transgression of one and the same Law,) as we said, with some additions, was framed, that which now we call, *The Common Law of England*.

Merchet, Merchetum. A Fine or Composition paid by inferior Tenants, to the Lord, for liberty to dispose their Daughters in marriage. No Baron, or Military Tenant could marry his sole Daughter and Heir, without such leave purchased from the King, *pro Maritanda Filia*. And many of our Servile Tenants could neither fend their Sons to School, nor give their Daughters in Marriage, without express License from the Superior Lord. See Mr. Kennett's Glossary in *Maritagium*.

Merimoniatus Anglie. Was of old time used for the Impost of England upon Merchandise.

Mercy, Misericordia. Signifies the Arbitrement or discretion of the King, Lord, or Judge, in punishing any Offence, not directly censured by the Law: As to be in the *grievous mercy* of the King, 11 H. 6. 6. is to be in hazard of a great Penalty. See *Misericordia*.

Merennium, Merannum, Mercremum, Paeremum, Paeremum. Fr. *la Merrien*, and *Marren*, Any Timber or materials of Wood for Building. — *In Merennio empto apud Curtlington cum carriagio ejusdem pro collis trigis apud Dadlington de novo faciendo.* Paroch. Antiq. p. 557. *Vetus Merennium*, was the refuse Wood, or old pieces of Timber and Boards left among the Rubbish, after Building, or Repairing, or pulling down of Houses.

Merselare. (Sax. *Incola Paludum*) So the Inhabitants of Runney-Marsh in Kent were anciently called.

Mertlage. See 9 H. 7. fol. 14. b. Seems to be a corruption of, or a Law French word for *Martyr*.

Mette. See *Mease*.

Mesne or Measne, Medium. May be deduced from the French *Maisne*, i. *minor natus*, and signifies him that is Lord of a Mannor, and so hath Tenants holding of him; yet himself holds of a Superior Lord, and therefore not absurdly drawn from the French *Maisne*, because his Tenure is inferior and *minor* to that of which he holds. *Mesne* also signifies a Writ, which lyeth where there is Lord, *Mesne*, and Tenant. The Tenant holdeth of the *Mesne* by the same Services, whereby the *Mesne* holdeth of the Lord; and the Tenant of the *mesne* is distrained by the Superior Lord, for that his Service or Rent which is due to the *mesne*, *Fitz. Nat. Brev. fol. 135. 13 E. 1. cap. 9.*

Mesnalty, Medietas. Cometh of *mesne*, and signifies nothing but the right of the *Mesne*, as the *Mesnalty* is extinct, *Old Nat. Brev. fol. 44.* If the *mesnalty* descend of the Tenant, *Kitchin, fol. 147.* For further understanding whereof, take these words out of the *Customary of Normandy*, *Medietati tenentis feuda, quando aliqua persona interveierit Dominum & tenentes, Et hoc modo tenent omnes Possnati, mediante ante nati.*

Messars. A Mower or Reaper, one that works Harvest-work, *Fleta, lib. 2. cap. 75.*

Messenger of the Exchequer. Is an Officer in that Court, of which there are four, who as Pursuivants attend the Lord Treasurer, to carry his Letters and Precepts. See *Pursuivant*.

Messina. Reaping time, Harvest. — *Et quilibet hida terra debet in Autumno tres preces ad Messinam cum octo hominibus ad cibum Domini, & debent curare quod metunt sine cibo.* Chartular. Abbat. Glaston. MS. f. 40.

Messuage, Messuagium. Is properly a dwelling-house, with some adjacent Land assigned to the use thereof, *West, part 2. Symb. tit. Fines, Sect. 26. Bract. lib. 3. cap. 28. and Plowden, fol. 169, 170.* Where it is said, That by the Name of a *Messuage* may pass also a Curtilage, a Garden, an Orchard, a Dove-house, a Shop, a Mill, a Cottage, a Toft, a Chamber, a Cellar, &c. yet may they be demanded by their single Names. *Messuagium* in Scotland, signifies the principal place or Dwelling-house within a Barony, which we call a *Mannor-house*. *Skene de verbo. Signif. verbo.* *Messuagium*; In some places it is called the *Seite of a Mannor*. A *Præcipe* lies not *de domo*, but *de messuagio*, *Co. on Lit. cap. 8.*

Messilo, Messine. Or rather *Mesellane*, That is, Wheat and Rye mingled together, — *Et nonam garbam frumenti, mestilonis, siliginis & omnis generis bladi,* Pat. 1 E. 3. par. 1. m. 6.

Messilun. — *Duas acras comessi de dominio meo ejusdem manerii scilicet unam acram de frumento & alteram de Messilun.* Chartular. Abbat. Rad. MS. f. 59. a.

Mettecorn. A measure or portion of Corn, given out by the Lord to some customary Tenants, as a Reward and Encouragement for their Duties of Work and Labour.

Metegabel, Cibi gablum seu vestigal. A Rent paid in Victuals, a thing usual of old, as well with the King's Tenants as others, till Henry the First changed it into money, *Taylor's Hist. of Gavellkind, pag. 118.*

Metheglin. A kind of Drink made of Water, Herbs, Spice, and Honey boyled together: Twas an old British Drink, and still continues from Wales, in repute in England, and mentioned in the Act for Excise, 15 Car. 2. 9.

Mett. A Measure, most likely a Gallon: *Mettys, Measures.* — *Nas Henricus Burgh Prior Elien. & Conve.* — *concessimus Johanni Downham Capellam septimanatim septem panes monachales, & septimanatim septem Mettys optima cerevisie.* — *Dat. ult. Mart. 1456.* — *Catular. Elien. MS. f. 88.*

Mettefarp.

Metteshep, Metteshep, Metteshep. Some Rent or Acknowledgment paid in a certain measure of Corn: for which an Equivalent was sometimes paid in Money. It seems to have been commonly a Fine or Penalty imposed on the Tenant, for his default in not doing his customary Service of cutting the Lord's Corn. As in the Mannor of Pidington, Com. Oxon.—*Qualibet virgata terra solvet per annum quinque solidos, quatuor dies de consuetudine, videlicet unum diem ad pratum Domini falcandum, ad cibum Domini, vel Domini dabit quadraginta denarios pro Metteshep.* Paroch. Antiq. p. 495.

Meya, A mow of Corn laid up in the Barn.—*cariabunt bladum per unam diem cum una caveffa & invenient unum hominem per unum diem ad faciendum Meyas in grangia.* Mr. Blount of Tenures, p. 130.

Micel-Gemotes, Micel-Synods. The great Councils in the Saxon times, of King and Noble-men, were called *Wittena-Gemotes*, and after, *Micel-Synods*, and *Micel-Gemotes*, i. e. Great and General Assemblies.

Michts, A sort of White-loaves paid as a Rent in some Mannors.

Milbernitz, Are a kind of Canvas, whereof Sail-Clothes, or other Furniture for Ships, are made, Anno 1 Jac. cap. 24.

Mile, Miliare, Is the distance of one thousand Paces, otherwise eight Furlongs, every Furlong to contain forty Lugs or Poles, and every Lug or Pole sixteen Foot and a half, 35 Eliz. 6.

Militia, The Furniture and Habillments for War, 12 Car. 2. cap. 2.

Mill-eate A Trench to convey Water to or from a Mill, more truly a *Mill-eate*.

Mina, A Corn-metre or measure of different quantity, according to the things measured by it. *John de Wetherham, Prior of Rochester about the Year 1220. gives this Account of it—Mensura ad frumentum, & ad bladum, & ad pila que alto nomine Mina vocatur, continet 5 Eskippas de dyvo blado, & iste 4 mine cum gata que dicitur Gundulsi faciunt 3 jumas—unde mina & gata faciunt 3 quarteria. Mina ad grutum recipiendum continet 7 Eskippas. Mina ad brassum continet 3 Eskippas de dyvo blado. Mina ad farinam in pistrino continet largiter 7 Eskippas & debet mensurari sicut sal & radi. Hence Minagium, Minage, was a Toll or Duty paid for selling Corn by this measure of Mines.*

Minare, To Mine, or dig Mines. *Minator, a Miner.—Petunt Archiepiscopi, Episcopi, & Clerus Anglia, ut Dominus Rex non sustineat Minatores suos de flagno, plumbo, vel ferro minare vel evertere terras Ecclesie, &c. Annal. Burton. sub Anno 1236. p. 291. Minera, Mineria, Minerator.—Juratores dicunt quod in principio quando Mineratores veniunt in campum mineriam quarentes, inventa minera veniunt ad Ballivum—Placita debent teneri super minerias in Pecca. 16 Ed. 1.*

Minator, Carutr, A Plough-man. In the Table of Wages due to Servants and Labourers—*In hieme Minatores carucarum, ventator. Sub carrellarius, quilibet eorum recipit xvj. denarios. Computus Domus de Farendon. MS. f. 32.*

Mineral Courts, Curia Minerale, Are peculiar Courts for regulating the Concerns of Lead-Mines, as Stannary Courts are for Tin.

Miniments, Minumenta, Are the Evidences or Writings, whereby a man is enabled to defend the Title of his Estate, 5 R. 2. 8. and 35 H. 6. 37. Wangford says, This word *Miniment* includes all manner of Evidences. See *Miniment*.

Ministri Regis. Extend to the Judges of the Realm, as well as to those that have Ministerial Offices, Co. 2. Inst. fol. 208.

Minister. See *Parre*.

Minor, One in nonage, minority, or under Age: More properly an Heir Male or Female, before they come to the Age of 21; during which minority, their Actions are invalid; &c. Yet a Minor may Present, as Patron to an Ecclesiastical Benefice.

Minors, Minorites, The Franciscan Friars, so called by the Rules of their Order. *Nullus vocetur Prior, sed generaliter omnes vocentur Fratres minores, & alter alterius lavet pedes.—Ex Regulis S. Francisci, cap. 6.—Sub his diebus Predicatores qui appellati sunt Minores, favente Innocentio Papa, emergentes terram repleverunt.* Mat. West. sub Anno 1207.

Minover, 7 R. 2. 4. Seemeth to be compounded of two French words, *Main*, i. manus, and *Over*, i. operari, and signifies some Trespas or Offence committed by a man's Handy-work in the Forest, as an Engine to catch Deer: Britton uses the word *Main-overer*, to occupy and manure Land, cap. 40. and cap. 62. *Mainore* for Handy-work. Our English word *Manure* hath a great similitude with it.

Minstrel, Minstrellus, From the French *Mensfrel*, a Fidler or Piper, mentioned 4 H. 4. cap. 27. Lit. Pat. 24. April. 9 E. 4. *Quod mariscalci & Ministrelli premissi per se jurent & esse debeat unum corpus & una communitas perpetua, &c.* See King of the Minstrels.

Mint, Is the place where the King's Coin is formed, be it Gold or Silver, which is at present, and long hath been the Tower of London, though it appear by divers Statutes, that in Ancient Times the Mint hath been also at *Caleys*, 12 R. 2. 16. 9 H. 5. Stat. 5. cap. 5. The Officers belonging to the Mint have not always been alike: At present they are these, *The Warden*, who is the chief of the rest, and is by his Office to receive the Silver of the Goldsmiths, and to pay them for it, and to Over see all the rest belonging to this Function: His Fee is a hundred pounds per Annum. *The Master-worker*, who receiveth the Silver from the Warden, causeth it to be melted, and delivereth it to the Moniers, and taketh it from them again when it is made; His Allowance is not any set Fee, but according to the Pound weight. The third is *the Controller*, who is to see that the Money be made to the just Assize, to over-see the Officers, and control them, if the Money be not as it ought to be; his Fee is a hundred Marks per Annum. Then is *the Master of Assay*, who weigheth the Silver, and seeth whether it be according to the Standard; his yearly Fee is likewise a hundred Marks: Then is *the Auditor* to take the Accounts. *The Surveyor of the melting*, who is to see the Silver cast out, and not to be alter'd after it is delivered to the *Melter*, which is after the Assay-Master hath made Tryal of it. *The Clerk of the Irons*, who seeth that the Irons be clean, and fit to work with. *The Graver*, who graveth the Stamps for the Money. *The melters*, that melt the Bullion before it come to the Coyning. *The Blanchers*, who do anneal, boyl, and cleanse the Money. *The Porters*, who keep the Gate of the Mint. *The Provost of the Mint*, who is to provide for all the Moniers, and to over-see them. Lastly, *The Moniers*, who are some to shear the Money, some to forge it, others to beat it broad; some to round it, and some to stamp or coyn it. Their Wages is uncertain, according to the weight of Money coined by them.

Minuere, To let Blood. *Minutio, Blood-letting.* This was a common old Practice among the Regulars, and the Secular Priests or Canons, who were the most confin'd and sedentary men. In the Register of Statutes and Customs belonging to the Cathedral Church of St. Paul's in London, collected by Ralph Baldock,

Baldock, Dean about the Year 1300. there is one express Chapter *De Minutione. Minuendi licentiam petant Residentes à Decano—debent notificare minutiones suas illis qui tabulam scribunt—post petitam licentiam minuendi ad locum opportunitum extra civitatem se transferre licitum est, ut observent minutionem in aere graviori sanitatis causa.*—MS.

Minute *Exthes, Minuta* five *minores Decima*. Small *Tythes*, such as usually belong to the Vicar, as Herbs, Seeds, Eggs, Honey, Wax, &c. See 2. par. *Infl.* fol. 649. and *Udal* and *Tindales Case*, *Hill.* 22 Jac. Where the *Tythe* of Wood was adjudged *Minuta Decima*, *Cro. Rep.* fol. 21. See *Tythes*.

Miracula, A Superstitious Sport or Play, practised by the Popish Clergy for Gain and Deceit: Prohibited by Bishop *Groshead* in the Diocese of *Lincoln*.—*Factum etiam ut audivimus Clerici ludos quos vocant Miracula, & alios ludos quos vocant Indulgentiam Mari.*—*Miracula etiam & ludos supra nominatos & scotales omnino exterminet.*—*Rob. Groshead*, *Episcopus Linc.* *Epistola* apud *Append. ad Fasciculum.* p. 382.

Missa, A Compact or Agreement, a form of Peace or Compromise.—*Quosque pax inter Dominum Regem & Barones apud Lewes per formam cujusdam Missæ prælocuta complevetur.*—*Pat.* 48 H. 3. in *Brady's Hist. Engl. Append.* p. 238.

Misadventure or **Misadventure**, *Infortunium*, Has in Law a special signification for the killing of a man, partly by negligence, and partly by chance. As if one thinking no harm, carelessly throws a Stone, or shooteth an Arrow, &c. wherewith he killeth another: In this case he commits not Felony, but only loseth his Goods, and hath pardon of course for his Life, *Stamf. pl. cor. lib. 1. cap. 8. Britton, cap. 7.* distinguisheth between *Aventure* and *Misadventure*: *Aventure* he maketh to be meer chance; as if a man being upon or near the Water, be taken with some sudden Sickness, and so fall in and is drowned, and into the Fire, and be burned to death. *Misadventure* he maketh, where a man cometh to his death by some untoward violence, as the fall of a Tree, or of a Gate, the running of a Cart-wheel, the stroke of a Horse, or such like: So that *Misadventure* in *Stamford's* Opinion is construed somewhat more largely than *Britton* understandeth it, *West, Symbol.* part 2. tit. *Inditement*, *Sett.* 48. makes *Homicide casual*, to be meerly casual or mixt. *Homicide* by meer chance he defineth *Sett.* 49. to be, when a man is slain by meer Fortune, against the mind of the Killer; as if one hewing, the Ax flyeth off the haft, and killeth a man, and this is all one with *Britton's Misadventure*; *Homicide* by chance mixed he defineth *Sett.* 50. to be, when the Killer's ignorance or negligence is joyned with the chance; as if a man lop Trees by the Highway-side, by which many usually Travel, and cast down a Bough, not giving warning, &c. by which a man passing by is slain.

Miscognisant, Ignorant, or not knowing. In the *Stat.* 32 H. 8. cap. 9. against *Champerly* and *Maintenance*, It is Ordained, That the Justices of Assize shall twice every Year, in every County, cause open Proclamation to be made of this present Act, to the intent no Person should be ignorant or miscognisant of the dangers and penalties therein contained.

Discontinuance, *Kitchin*, fol. 231. Is the same with *Discontinuance*. See *Discontinuance*.

Mise, *Misa*, Is a French word, signifying as much as *Expensum* in Latine, and the Latine word *Misa* is used in *Kitchin*, fol. 144. and *West, Symbol.* part 2. tit. *Proceedings in Chancery*, *Sett.* 21. This word has divers significations, as first, it is a Gift or Customary Present which the People of *Wales* give to every new

King or Prince at their entrance into that Principality. It was formerly given in Cattel, but when that Dominion was annexed to the English Crown, the Gift was changed into Money, and that is now 5000 l. or more, which happened to be thrice paid in King *James* his Reign. First, At his own coming to the Crown, and that Principality. Secondly, When Prince *Henry* was created Prince of *Wales*. And thirdly, When King *Charles* the First succeeded him in that Principality. *Mise* etiam dicitur praestantibus illa quæ ob fruendas pristinas immunitates Cestria Palatinatus subditi novo cuicque Comiti impendunt, that is, 3000 Marks for that County. By 27 H. 8. It is Ordain'd, That Lord Mayors shall have all such *Mise* and Profits of their Lands as they have had in times past, &c. See 2 & 3 E. 6. 36. 33 H. 8. 13. 4 & 5 P. & M. cap. 11. Sometimes *Mises* are taken for Taxes or Tallages, Anno 25 E. 1. 5. Sometimes for Costs and Expences, as pro *mis* & *custagiis*, for Costs and Charges ordinarily used in the Entries of Judgments in Personal Actions. *Mise* is also vocabulum artis, appropriated to a Writ of Right so called, because both Parties have put themselves upon the meer Right to be tryed by the Grand Assize, or by Battell. So as that which in all other Actions is called an Issue, in a Writ of Right is called a *Mise*, unless a collateral point be tryed, and there it is called an Issue, Co. on *Lit.* fol. 294. *Lit.* fol. 102. and *Old. Nat. Brev.* fol. 2. 37 E. 3. 16. To joyn the *mise* upon the meer, is as much as to say, as to joyn the *mise* upon the clear Right, and that in more plain terms, is nothing else but to joyn upon this point, whether hath the more Right, the Tenant or Demandant, *Lit. lib. 3. cap. 8. fol. 101.* This word is also sometimes used for a Particle, signifying as much as *cast out or put upon*, Co. 6. *Rep.* fol. 124. *Saffin's Case*. And sometimes corruptly for *Messe*, a *Messuage* or Tenement, as a *Mise-place* in some Mannors is taken to be such a *Messuage* or Tenement as answers the Lord a Heriot at the death of its owner, 2 *Infl.* fol. 285. which in our Law-French is written *Mees*.

Mise-money, Money given by way of contract or composition to purchase any Liberty, &c.—*Custumarii infra honorem de Clun Com. Salop, Domina hereditatem inveniunt solvunt certam pecuniam summam que vocatur Mise-money, ut quieti sint de finibus & amerciamenis.* *Mr. Blount* of Tenures, p. 162.

Miserere, Is the Name, and first word of the 51 Psalm, being most commonly that which the Ordinary gives to such guilty Malefactors as have the benefit of Clergy allowed them by the Law, and is usually called the Psalm of Mercy.

Misericordia, Is in Law used for an Arbitrary Amercement imposed on any for an Offence; for where the Plaintiff or Defendant in any Action is amerced, the Entry is *ideo in Misericordia*. *Bracton*, lib. 4. tract. 5. cap. 6. hath these words, *Item si quis in misericordiam incidit pro dissensu, non remanebit misericordia exigenda, si ille qui amiserit, quæserit convictionem.* *Kitchin*, fol. 78. out of *Glanville*, saith thus, *Est autem misericordia, quia quis per juramentum legalium hominum amerciatu est ne aliquid de suo honorabili contentamento amittat.* See *Glanville*, lib. 9. cap. 11. *Fitzherbert* says in his *Nat. Brev.* fol. 75. That it is called *Misericordia*, because it ought to be very moderate, and rather less than the Offence, according to the tenour of *Magna Charta*, cap. 14. Therefore if a man be unreasonably amerced in a Court not of Record, as in a Court Baron, &c. there is a Writ called *Moderata Misericordia*, directed to the Lord, or his Bayliff, commanding them that they take moderate Amerciements. Sometimes *misericordia* is to be quit, and discharged of all manner of Amerciements.

ciaments that a man may fall into in the Forest. See *Crompt. Jur. fol. 196.* Vide *Amerciament, Mercy, and moderata misericordia.*

Misericordia in cibis & potu, Exceedings, or Over-commons, or any gratuitous portion of Meat and Drink given to the Religious above their ordinary Allowance. — *Hic quoque procuravit — ut detestabilis in gurgitationes misericordiarum (in quibus profecto non erat misericordia) prohiberentur.* Mat. Par. Vit. Abb. S. Albani. p. 71. In some Convents they had a stated Allowance of these Over-commons upon Extraordinary Days, which were called *Misericordia Regularis*, as — *In minutionibus vero & misericordiis regularibus duo & duo unam justam de cellario tum ad prandium quam ad cenam.* — Monast. Angl. Tom. 1. p. 149. b.

Misericordians, Misdoers or Trespassers, — *Jury to enquire of all Purprestures and Misericordians, Cro. Car. fol. 498. and Misesfor a Trespasser, Co. 2. Inst. fol. 200.*

Misiering. See *Abisiering* and *Miskering*.

Miskening, (*Meskenninga*, Leg. H. 1. cap. 12.) *iniqua vel injusta in jure vocatio; inconstanter loqui in Curia* — *Renovamus etiam & confirmamus privilegia antiquorum Regum atque ob reverentiam Domine nostre perpetue Virginis Mariæ, sanctique Benedicti, sanctarumque virginum, omnibusque futuris illidem Abbatibus in tota possessione Monasterii Sacham & Socham, Theloniun-que suum in terra & in aqua concedi & consuetudines ut ab omnibus apertis & plenius intelliguntur, Anglice scriptas, scilicet, Mundbriche, Feardwite, Fitwite, Blodwite, Miskening, Frithsoke, Hamsockne, Forstall, Forphange, Theisephang, Hangwite, Frithbrich, Utlepe, Insoagenthæf, Supbriche, Tol et Tem aliasque omnes leges & consuetudines quæ ad me pertinent tam plene & tam libere, sicut eas in manu mea habebam, Confirm. foundationis Monast. de Ramesey per S. Edw. Conf. Mon. Ang. 1. par. fol. 237.*

Miskering, *Hoc est quietus esse pro querelis coram quibuscumque in transumptione probata*, M. S. L. L. Rob. Cot. pag. 262. See *Misiering*.

Misnomer, Compounded of the French *Mes*, which, in composition, always signifies amis, and *nomer*, i. nominare, it signifies the using of one Name for another, or mistaking. See *Broke*, tit. *Misnomer*.

Misprision, *Mispriso*, Cometh of the French *Mespris*, contemptus, and signifies in our Law neglect or oversight. As for Example, *Misprision of Treason or Felony*, is a neglect or light account shewed of Treason or Felony committed, by not revealing it, when we know it to be committed, *Stamf. pl. cor. lib. 1. cap. 19.* Or by letting any Person committed for Treason or Felony, or suspicion of either, to go before he be indicted. *Misprision of Clerks*, 8 H. 6. 15. Is a neglect of Clerks in writing, or keeping Records: By the *Misprision of Clerks* no Process shall be annulled or discontinued, 14 E. 3. cap. 6. Stat. 1. *Misprision of Treason* is the concealment, or not disclosing of known Treason, for which the Offenders are to suffer Imprisonment during the King's Pleasure, lose their Goods, and the Profits of their Lands during their lives, *Crompt. Justice of Peace*, cap. *Misprision of Felony*, fol. 40. *West. Symbol*, part 2. tit. *Indictments*, sect. 53. in fine. *Misprision of Felony* is only finable by the Justices, before whom the Party is attainted, *Crompt. ibid.* The Justices of the Common-Pleas have Power to assess Fines and Amerciaments upon Persons offending by *Misprisions*, contempts or neglects for not doing or misdoing any thing in or concerning Fines, *West. Symbol*, part 2. tit. *Fines*, sect. 133. *Justices of Assize* shall amend the defaults of Clerks *misprising* of a Syllable, or Letter, or Writing, *Crompt. Jur. fol. 20.* But here we are to observe, That other Faults may be accounted *Misprisions of Treason or Fe-*

lony, because some later Statutes have inflicted that Punishment upon them, that of old were inflicted upon *misprisions*, whereof you have an Example, *Anno 14 Eliz. cap. 3.* Of such as Coyn Foreign Coyns, not current in this Realm, and of their Procurers, Aiders and Abettors. *Misprision* also signifies a mistaking, 14 E. 3. Stat. 1. cap. 6. Here note, That *Misprision* is included in every Treason or Felony; and where any man hath committed Treason or Felony, the King may cause him to be indicted and Arraigned of *Misprision* only if he please. See more hereof, *Samf. lib. 1. cap. 39.* Vide etiam 3. Inst. fol. 26. & 139.

Missale, Is a Book containing all things to be daily said in the Mass, *Lindw. Provincial*, lib. 3. tit. *De Ecclesiis edificandis*, cap. 2. *Parochiani Ecclesiarum tenentur invenire rei divine suppellectilem, viz. Antiphonarium, Gradale, Plasterium, Missale, Manuale, &c.* See *Spelman's Glossary*.

Mistaticus, A Messenger. — *Quando Mistatici Regis veniebant ibi (i. e. ad Dover) dabant pro caballo transducendo tres denarios in hyeme & duos in æstate.* Lib. *Doomsdaie* in Chenth.

Mistix. See *Mise*.

Mistura, Singing the *Nunc Dimittis*, and performing the many other Superstitious Ceremonies to recommend and dismiss a dying Person. In the Statutes of the Church of *Pauls* in London, collected by *Ralph Baldock*, Dean about the Year 1295, in the Chapter of *Frateria*, of the Fraternity or Brotherhood, who were obliged to a mutual communication of all Religious Offices, it is ordained — *Ut fiat commendatio & missura & sepultura omnibus Sociis coadunantibus & assistantibus* — Liber Statut. Ecclesiæ *Paulinæ*. MS. Penes Joh. Episcopum Norwic. f. 25.

Misurium, *Misurum*, A Dish or Platter for serving up Meat to a Table, whence a *Messe* or Dish, or Portion of any Diet. — King *Ethelbert* gave to the Abby of *St. Augustine* in *Canterbury* — *Misurium argenteum, scapton aureum, iterum sellam cum frano aureo & gemmis exornatam.* Chron. to *Thorn*. p. 1762. & *Monast. Angl. Tom. 1. p. 24.*

Misural, A false or erroneous Tryal, *Cro. Car. fol. 284.* *Delves Case*.

Misuser, Is an abuse of Liberty or Benefit; As he shall make fine for his *Misuser*, *Old Nat. Brev. fol. 149.*

Mistry, *Mysterium*, *Vita modus*, A Trade or Occupation, derived from the French *Mestier*, i. ars, artificium.

Mitred Abbots, Those Governours of Religious Houses, who had obtained from the See of *Rome* the Privilege of wearing the Mitre, Ring, Gloves, and Crozier of a Bishop. It has been a vulgar Error, that these *Mitred Abbots* were all the same with those conventual Prelates, who were summon'd to Parliament, as Spiritual Lords; whereas some of those summon'd to Parliament were not *Mitred*: And some of the *Mitred* were not summon'd. The Summons to Parliament not any way depending on their Mitres, but upon receiving their Temporals from the King.

Mitta, From the Saxon *Mitten*, *mensura*, a Measure of ten Bushels, M. S. In *Wich. Salina redd. 30. mittas salis.* *Doomsday Book*, tit. *Wirc. scire.* In *Libro Rames. M. S. sect. 38. & 143.* *Ego Wulfrum (uxor Anketelli) singulis annis vita mea ad festum Sancti Benedicti quod est in æstate decem mittas de brasio & 5. de gruto, & 5. mittas farina tritice, & 8. pernas, & 16. casos, & 2. vaccas pingues, de terra mea Hichelings pro respectu anno eidem Ecclesiæ (Ramesiensis) procuravi decerno.* *Spelm.*

Offitendo manuscriptum pedis finis, Is a Writ Judicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmit the foot of a Fine acknowledged before Justices in Eyre, into the Common-Pleas, &c. Reg. Orig. fol. 14.

Offitimus, Is a Writ by which Records are transferred from one Court to another: Sometimes immediately, as appears by the Stat. 5 R. 2. cap. 15. As out of the King's Bench into the Exchequer, and sometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court, as you may see in 28 H. 8. Dyer, fol. 29. and 29 H. 8. Dyer, fol. 32. This word is also used for the Precept that is directed by a Justice of Peace to a Gaoler, for the receiving and safe keeping a Felon, or other Offender, by him committed to the Gaol. Of divers other Uses and Applications of this word, see Reg. Orig. in the Table.

Offit Tythes, *Decime mixta*, Are those of Cheese, Milk, &c. and of the young of Beasts, Co. 2. par. Inst. fol. 649. See Tyth.

Offitillo, *Mestilo*, Mixt-corn, Mang-corn, Maslin. — *Libera Eleemosynario nostro sex quarteria bladi mixtilonis inter pauperes Parochianos de Bolton Percy distribuenda* — Anno 1312. Collectanea Matth. Hutton, S. T. P. ex Registris Eccl. Eborac.

Offitades, A kind of Stuff made in England, and elsewhere, concerning which see 23 Eliz. cap. 9.

Offit moderata misericordia, Is a Writ for him that is amerced in a Court-Baron, or other, being not of record, for any Transgression or Offence beyond the quality of a Fault. It is directed to the Lord of the Court, or his Bayliff, commanding them to take a moderate amercement of the Party, and is founded upon *Magna Charta*, cap. 14. *Quod nullus liber homo amercietur nisi secundum qualitatem delicti*, &c. The rest touching this Writ, see in F. N. B. fol. 75. See *Misericordia*.

Offit modius, We take it usually to signify a Bushel, and it is a Measure, but various according to the Custom of several Countries, in some places containing more, in some places less.

Offit modius terræ vel agri — *Sciendum est quod debet illas pedum quatuor Modiorum agri circa se cum omni censu suo Ecclesie Landavia*, &c. 3 Mon. fo. 200. This word was much used in the Ancient Charters of the British Kings, and probably contained the same quantity of Ground as with the Romans, viz. 100 Foot long, and as many broad. *Modius Vini*, a Hogshead of Wine.

Offit modius villæ, *Donatio A Rthmail Regis Gwentie Landavenis Ecclesie circa Annum 896. Largitus est*, &c. *Villam Lann-Mihargel Licbit cum tertia parte prati* — Et 4. *Modios Villa stitilat*, M. S. Cod. Landaven. fol. 102. col. 2.

Offit modo & forma, Are words of Art in Process and Pleadings, and namely, in the answer of the Defendant, whereby he denyeth himself to have done the thing laid to his charge, *modo & forma declarata*, Kitchen, fol. 232. It signifies as much as that clause in the Civil Law, *Negat allegata prout allegantur, esse vera*. Where *modo & forma* are of the substance of the Issue, and were but words of course. See Co. on Lit. fol. 281.

Offit modus Decimandi, Is when either Land, a Sum of Money, or Yearly Pension is given to the Parson, &c. by composition, as satisfaction for his Tythes in kind. See 2. Inst. fol. 490.

Offit Moer, It is a Danish word, signifying a *Virgin* or *Maiden*; the People of *Norfolk* in some measure retain the word to this day. The occasion of their first using it was this; *Norfolk* (which among other English Counties, was given by King Alfred to the Danes,

Anno 876.) was totally inhabited by them, and their Customs, Laws, and Speech there used. Now they call *Virgins* and young *Maids Moer*, and accordingly (as *Olavus Wormius* testifies, *Fast. Dan. lib. 1. cap. 6.*) they named such as were excellent Singers of the worthy Deeds of their Heroes, *Scaldmoer*, id est, *Virgines cantratrices*; and those that by Valour won Reputation, *Scioldmoer*, that is, *Scutiferus Virgines*, by which name they also signify the *Amazons*: But this, I confess, by the ignorant Ruffick is corrupted, they pronouncing instead of *Moer*, a *Virgin*, *Moether*, a word well known to be of a different nature.

Offit Moitie, *Medietas*, Cometh of the French *Moitie*, i. *coqua vel media pars*, and signifies the half of any thing, Lit. fol. 125.

Offit Molasse, Is the refuse Syrup in the boyling of Sugar, which the Statute 12 Car. 2. cap. 25. prohibits to be mingled with Wine.

Offit Molendinum Bladonicum, A Corn-mill, Ancient Charters have it *Molendinum bladum & molendinum de blado*. So a *Pulling-Mill* hath several Latine Appellations, as *Molendinum fullonicum*, *Molend. fullanicum*, *Molend. fullere*, *Molend. fullarium*, &c. A Wind-mill, *Molendinum ad ventum*, vel *ventriticum*. A Water-mill, *Molendinum aquaticum*. A Horse-mill, *Molendinum equitum*. A grinding or Grist-mill, *Molendinum molare*. We read also for a Mill, *Molimum* and *Molinus*, *Doomsday*, tit. *Sudsex. Terra Comitum Rogeri*, num. 11. *Castrum Havundel*, T. R. E. *reddebat de quodam Molino 40 s.* & *ibidem alibi T. R. E. videbat Oxenford*, — *Comiti vero Algaro 10 libras adjuncto molino, quem infra civitatem habebat*.

Offit Molendinum, Corn sent to Mill, a Grist. — *Solvent nomine decimarum molendini sex modios alias sex fryk bladi prout molendum obvenit eidem molendino*. — *Chartular. Abbat. de Rading*, MS. f. 116.

Offit Molitura, *Molitura*, It sometime signified a Grist, or Sack of Corn brought to the Mill to be ground: But it was more commonly taken for the Toll or *Molture* paid for grinding. So *Wido de Meriton* in his Charter to the Knights Templar, for the Mill in *Merton Com. Oxon* — *Concesserunt mihi Fratres unum libertatem ad suum molendinum scilicet molendi segetem pro multura reddenda pro segete que est in tremuta, & meum brasium sine multura*. *Parochi. Antiq.* p. 120. *Molitura libera*, Free grinding, or liberty of a Mill, without paying Toll, a Privilege which the Lord generally reserved to his own Family. — *Salva mihi & heredibus meis molitura libera familie nostre queta in dicto molendino* — *ibid.* p. 236. This Toll for grinding was sometime called *Molta*, Fr. *Moulta*.

Offit Molman, According to *Spelman*, signifies the Servants of a Monastery, *Fideles Ecclesiarum Ministeriales*, *Prior Lewens*, pag. 165. *Item omnis Molman inveniet equum si habuerit ad portandum corrodium Prioris*, &c. And again, pag. 21. *Omnis Lanceta, omnis Tostman, & omnis Molman, (qui non sedet super Ogeland) debent frangere unam reiam de fiens, &c.*

Offit Molmaria, *Et inveniet Maerenum Molmaria & les Winding-yards pro reparatione dicti Molendini Carta 16 H. 6.*

Offit Molmutan or *Molmutin Laws*, The Laws of *Dunwalla Molmutius*, sixteenth King of the Britains, (who began his Reign 444 Years before Christ) was Famous in the Land, till *William the Conq.* *Osser's Primord.* 126. He was the first that published Laws in *Britany*, and these Laws with those of Queen *Meretia*, were turned into Latin by *Gildas* out of the British Tongue.

Offit Molueda, *Molueda*, A Mill-Pool, or Pond. *Gilbert Basset*, in his Foundation-Charter to the Priory of *Burcester*, gave *Quoddam prutunculum quod vocatur Hamma*.

Hamma. Quod extenditur de crosta Serice de Wrachmic per la Mulnedam usque illuc ubi novus rivulus ascendit in veterem rivulam, & ipsam mulnedam ad faciendum ibi molendinum. Parochial Antiquities, p. 135.

Monimung, Anno 1400. Quidam milites in die Epiphania coram Rege baptismalia pacifica vocata le Monimung, pacem tamen odientes, fecerunt publice proclamari, ut sic cum manu forti castrum irruentes, Regem incautum possent proditorie trucidare. Hist. Croyland. Contin. p. 495. Whence it appears that Monimung was a sort of Mock-fight, from the Teutonic Mummen, to mimic, or act a ludicrous part. This Military Sport is now turn'd into the Diversions of Peace and Plenty at Christmas, when some Antick Fellows in Disguise go round the Neighbourhood to Sing and Dance, and get Money or Good Cheer. These Mimicks are called Mummers, and their Acting is still called Monimung, or Mummung.

Monetarium, Mintage, The right and propriety of Coynng or Minting Money.

Moneta, Moneta, Pecunia, Is that Metal, be it Gold or Silver, that receives an Authority by the Prince's Impresa to be current: For as Wax is not a Seal without Print, so Metal is not Money without Impression. Co. on Lit. pag. 207.

Monter, Seems to be a little Sea-Vessel, which Fisher-men use. Anno 13 Eliz. cap. 11.

Monetarii, Monetarii, Are Ministers of the Mint, which make and Coyn the King's Money, Reg. Orig. fol. 262. and 1 E. 6. 15. It appears in Ancient Authors, That the Kings of England had Mints in several Counties of this Realm; and in the Treatise in the Exchequer, written by Ockham, I find, that whereas Sheriffs were usually obliged to pay into the King's Exchequer the King's Sterling Money, for such Debts as they were to answer; they of Cumberland and Northumberland were admitted to pay in any sort of Money, so it were Silver: And the reason is there given, because those two Shires Monetarios de antiqua institutione non habent. Of later days the Title of Monies hath been given to Bankers, that is, such as make it their Trade to deal in Monies upon returns.

Monies Clothes, A certain kind of coarse Cloth, mentioned 20 H. 6. 20.

*Monopolie, May not improperly be derived from the Greek *monos*, Solus, and *polo*, Vendo, which signifies to sell alone, and so is a Privilege of the King (as some interpret it) by his Grant, Commission, or otherwise, to any Person or Persons, of or for the sole buying, selling, making, working, or using any thing, whereby any Person or Persons are restrained of any freedom or liberty that they had before, declared against Law by 21 Jac. 3. except in some particular cases, concerning which see 3. Inst. fol. 181. All Monopolies against Magna Charta, &c. Co. 2. par. Inst. cap. 29. So then all Inclosing is a Monopoly, which is positively contradicted in More's Rep. fol. 675. Darcy and Allen's Case, because any Grant made by the King pro bono Publico is not a Monopoly. See Grotius de jure belli & pacis. 233.*

Monster, Monstrum, A Monster born within Lawful Matrimony, that hath not humane shape, cannot purchase, much less detain any thing; but if he have humane shape, he may be Heir, though he have some deformity in any part of his Body.

Monstrans de droit, Is as much as to say, The shewing of Right; In a Legal sense it denotes a Suit in Chancery, for the Subject to be restored to Lands and Tenements, which he shews to be his Right, though by Office found to be in the Possession of another lately dead; by which Office the King is entituled to a Chattel, Freehold or Inheritance in the said Lands. And this Monstrans de droit is given by the

Statutes 34 E. 3. cap. 14. and 36 E. 3. 13. See Statut. prerog. cap. 21. and Broke, tit. Petition, and Co. 4. Rep. fol. 54. Case of the Wardens and Commonalty of Sadlers.

Monstrans de faits ou Records, Shewing of Deeds or Records is thus, Upon an Action of Debt brought upon an Obligation, after the Plaintiff hath declared, he ought to shew his Obligation, and so it is of Records. And the difference between Monstrans de fait, and Oyer de faits is this; He that pleads the Deed or Records, or declares upon it, ought to shew the same; and the other, against whom such Deed or Record is pleaded, may demand Oyer of the same.

Monstraverunt, Is a Writ that lies for the Tenants in Ancient Demejne, being distrained for the payment of any Toll or Imposition, contrary to their liberty which they do or should enjoy. See more in F. N. B. fol. 14.

*Month or Month, Mensis, In Saxon Monath, is a space of time, containing by the Week 28 days, by the Calendar sometimes 30, sometimes 31. See Co. lib. 6. fol. 61. and Kalendar-moneth. Some have derived it from *man*, mensis, and that from *manus*, Luna, but we suppose more truly from the German *Mon* or *Man*, one of their antique Deities and Kings, mentioned by Tacitus; Ex hoc, says the learned Spelman, masculino (ut Hebraei) Lunam dicunt genere, Der mon, dominamque ejus & amasiam è cuius aspectu alias languet, alias respicit, Die son quasi hunc Lunam, hanc solem, Hinc & Idolum Luna, viri fingeant specie; non ut Verilegan opinatur, femina, ex quo & vestem miram ad genua vix dimissam.*

Moors, The Lord's Bayliffs in the Isle of Man, who Summon the Courts for the several Sheadings, are called Moors, and every Moor has the like Office with our Bayliff of the Hundred. See Mr. King's Description of the Isle of Man.

Moot, Mota, Curia, placitum, conventus, From the Saxon Gemote, conventus, which may be deduced from the Saxon Motian, placitare. It is a term well understood in the Inns of Court, to be that Exercise or arguing of Cases, which young Students perform at appointed times, the better to enable them for practice and defence of Clients Causes. The places where Moot-Cases were argued, was anciently called a Moot-hall. In the Inns of Courts there is a Bayliff or Surveyor of the Moors yearly chosen by the Bench, to appoint the Mootmen for the Inns of Chancery, and to keep account of performance of Exercises both there, and in the House. See Orig. Judiciales, fol. 212.

Moota Canum, A pack of Dogs. — Abbas Glaston. admissus est, à quo statim exegit thesaurarius feudum Domini Regis, quod acciderat ei per mortem Abbatris, scil. Palefridum Annulum & Mootam Canum. Et factus est ibi pro palefrido at Moota Canum novus finis viginti marcarum. Chartular. Abbat. Glaston. MS. f. 1045. Vide Muta.

Moothouse-Court, So the Hundred Court of Bingham in Nottinghamshire is called, and the place where it stands, Moothouse-Pit. Ant. Not. 71.

Mootmen, Are those that argue Readers Cases (called also Moot-cases) in the Houses of Chancery, both in Term-time, and also in Vacations, Coke's Rep. 3. par. in Proemio.

Moor, A Moor, or more unprofitable Ground than Marsh. 1 Inf. fol. 71. a.

Moor-mulla — De quadam placea Mora Mulla & Valli in Villa de — Mon. Ang. 2 part. 306. b. A Watry or Boggy Moor; for such in Lancashire they call Mosser to this time. Moreffa is also used in the same sense. Mon. Ang. 3. part. 70. a.

Mortatur or **Demortatur** in *Legē*, Signifies as much as *He demurs*, because the Party goes not forward in Pleading, but rests upon the Judgment of the Court in the Point, who deliberate and take time to argue and advise thereupon, *Co. on Lit. fol. 71.* See *Demurer*.

Morgangina, Si sponsa Virum suum super vixerit, detem & Maritacionem suam caritarum Instrumentis vel testium Exhibitionibus ei traditam perpetualliter habeat & Morganginam suam L. L. H. 1. cap. 70.

Moriam, Is all one in signification with the French *Morion*, i. *Cassis*, a Head-piece, and that seems to be derived from the Italian *Morione*, Anno 4 & 5 P. & M. cap. 2. now called a Pot.

Morina, Murrein, un infectious dissemper in Cattle. — *Carnifex qui vendit carnes porcinas contaminatas, vel carnes de Morina, et emat carnes de Judæis, & vendat Christianis, & super hoc convictus, prima graviter amercietur, secundo patiatum iudicium pillorii, tertio incarcerationetur, & redimatur, quarto abjuret villagum.* Consuetud. Domus de Farendon. MS. f. 43.

Morling alias **Morling**, Is that Wool taken from the skin of a dead Sheep, either dying of the Rot, or killed, 4 E. 4. 2. & 3. 27 H. 6. 2. This is written *Markin*, 3 Jac. 18. *Morling* or *Shorling*; 3 E. 4. 1. and 14 Car. 2. 18. See *Shorling*.

Morsellum terre, A small parcel or bit of Land — *Et unum Morsellum terre juxta Horreum suum Carta 11 H. 2. Par. 1. m. 33.*

Mortarium, A Light or Taper set in Churches, to burn possibly over the Graves or Shrines of the Dead. — *Walterus tenet duas acras terre & dimidiam ibidem de feudo de Boeland ad inveniendum unum mortarium ardentem in Ecclesia de Cheping. Faringdon.* Consuetud. Domus de Farendon. MS. f. 48.

Mort-dancetor. See *Affise*.

Mortgage, *Mortgagium*, vel *mortuum vadium*, Is compounded of two French words, viz. *Mort*, i. *Mors*, and *Gage*, i. *Pignus*: In Law it signifies a Pawn of Land or Tenement, or any thing moveable, laid or bound for Money borrowed, to be the Creditors for ever, if the Money be not paid at the day agreed upon: And the Creditor holding Land or Tenement upon this Bargain, is called *Tenant in Mortgage*. Of this we read in the *Grand Custumary of Normandy*, cap. 113. which see. *Glanville* likewise, lib. 10. cap. 6. defineth it thus; *Mortuum vadium dicitur illud, cujus fructus vel redditus interim percepti in nullo se acquietant.* So you see it is called a *Dead Gage*, because whatsoever Profit it yieldeth, yet it redeemeth not it self by yielding such Profit, except the whole Sum borrowed be paid at the day. See *Skene de verbor. Signif. verbo Mortgage*. He that pledged this Pawn or Gage, is called *The Mortgager*, and he that taketh it, *The Mortgagee*, *Welf. Symb. part 2. tit. Fines, sect. 145.* This, if it contain excessive Usury, is forbidden by 37 H. 8. cap. 9.

Morth, Murder. Sax. *Morth*, Death. *Morth-laga*, a Murderer, or Man-slayer. *Morth-lage*, Homicide, or Murder, &c.

Mortmain, *Manus mortua*, Is compounded of two French words, *Mort*, i. *mors*, & *maine*, i. *manus*: It signifies an alienation of Lands and Tenements to any Guild, Corporation, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, &c. which may not be done without the King's License, and the Lord of the Mannor, or of the King alone, it it be immediately holden of him. The reason of the name may be deduced from hence, because the Services, and other Profits due, for such Lands as *Escheats*, &c. cometh into a *dead hand*, or into such a hand as holdeth them, and is not of power to deliver them, or any thing for them back again, *Magna Charta, cap. 36.*

and 7 E. 1. commonly called *The Statute of Mortmain*, and 18 E. 3. cap. 3. and 15 R. 2. cap. 5. *Polydore Virgil*, in the Seventeenth Book of his *Chronicles*, mentions this Law, and gives this reason of the Name, *Et Legem hanc manum mortuam vocant, quod res semel datas collegiis sacerdotum, non utique rursus venderentur, velut mortua, hoc est, usui aliorum mortalium in perpetuum adepta essent. Lex diligenter servatur, sic ut nihil possessionum ordini sacerdotali a quocumque detur, nisi Regio permisso:* But the forementioned Statutes be in some manner abridged by 39 Eliz. cap. 5. by which the Gift of Lands, &c. to Hospitals is permitted, without obtaining *Licences* in *Mortmain*. *Breman*, in his Commentaries *De verbis feudalibus*, verbo *Manus mortua*, hath these words; *Manus mortua locatio est, que usurpatur de iis, quorum possessio (ut ita dicam) immortalis est, quia nunquam heredem habere desinit:* Quā de causā res nunquam ad priorem dominum revertitur, nam manus pro possessione dicitur, mortua pro immortali, &c. *Petrus Bellua* in *speculo principum*, fol. 76. *Jus amutationis est licentia capiendi ad manum mortuam:* To the same effect read *Caſan. de conjunct. Burgund. pag. 348, 387, 1183, 1185, 1201, &c.* *Skene de verb. Signif. faith, Dimittere terras ad manum mortuam est idem atque dimittere ad multitudinem sive universitatem, que nunquam moritur, idque per analogiam, seu a contrario sensu, because Commonalties never die.* The President and Governors for the Poor within the Cities of London and Westminster, may without License in *Mortmain*, purchase Lands, &c. not exceeding the Yearly value of 3000 pound, &c. by the Statute made 14 Car. 2. cap. 9.

Mortrell, A Mels of Milk and Bread. — *Cuilibet fratrium pauperum in Hospitali S. Crucis prope Winton. dabatur cotidie panis bonus de frumento ad pensum sive pondus quinque mearum, & una Lageria cum dimidia mediocris cervisia, potagium sufficiens, tria fercula in prandio, viz. Mortrell confectum de Wastell & lade, unum ferculum carniū, vel piscium; & unum pitantium juxta exigentiam diei.* Anno 1373. — *Ex Chartular. S. Crucis. MS. penes Hen. Worſeley, Armig.*

Mortuary, *Mortuarium*, Is a Gift left by a man at his death to his Parish-Church, for the recompence of his Personal Tythes and Offerings not duly paid in his life-time. A *Mortuary* is not properly and originally due to an Ecclesiastical Incumbent from any, but those only of his own Parish. But by Custom in some Places of this Kingdom, they are paid to the Parsons of other Parishes, as the Corps passes through them. *Mortuaries* were formerly payable in Beasts, but by 21 H. 8. cap. 6. an Order and Rate is set down for the payment of *Mortuaries* in money. Their payment was enjoined by the Statute of *Circumspede agatis*, made 13 E. 1. and also by several Constitutions. *Mortuarium*, says *Linwood*, sic dictum est, quia relinquatur Ecclesie pro anima defuncti: In old time a *Mortuary* was called a *Corps-present*, (because the Beast was presented with the Body at the Funeral,) concerning which see *Dugdale's Antiquities of Warwickshire*, fol. 679. *Selden's History of Tythes*, pag. 287. 2. per. *Inst. fol. 491. Constit. Rob. Dunelm. Ep. Anno 1275. in Rubr. De rebus liberarum Decimandis & Mortuariis inde solvendis. Et in textu* — *De bonis propriis si exstant mortuarium matri Ecclesie solvere teneatur.*

The word *Mortuarium* was sometimes used in a Civil, as well as an Ecclesiastical sense, and was payable to the Lord of the Fee, as well as to the Priest of the Parish. — *Debentur Domino (i. e. manerii idē Wrechwike) nominibus herietti & mortuarii due vacce pret. xij. sol. Paroch. Antiq. p. 470.*

Mosaic-work, Properly *Musick-work*, *Opus Musivum*, Pavimenta tessellata, Pavements of curious little pieces of Brick, or Tile, or Marble, about the bigness and form of Dice, with which the Romans generally paved the place, where they fixt the Pretorium or General's Tent; of which several have been ploughed up in many Parts of England. *Fran. Junius* cites this Account of them from a Manuscript Saxon Glossary of Lawrence Noel. — *Musajck-work*, which is a kind of Ornament made in Picture with little square Stones like Dies of all colours, set together with certain fine Cement upon a Wall or Floor, so that the forms of things be therewith portrayed and expressed as though they were painted. Also it is more durable than any kind of Painting, by reason that neither by Weather, wearing, nor washing, the colour can be taken away, which hath the thickness of the little Dies wherewith this Work is made. Of this kind of Work is little in England. Howbeit I have seen of it, especially upon Church-Floors before Altars, as is to be seen before the High Altar at Westminster, although it be but gross. In Italy it is almost every where, and in most Churches to be met.

Moss-troopers, A rebellious sort of Malefactors in the furthest North of England, that live by Robbery and Spoil, not unlike the *Tories* in Ireland, or the *Banditti* in Italy, for whose suppression, were made the Statutes 4 Jac. 1. 7 Jac. 1. and 14 Car. 2. cap. 22.

Motbell, Campana quæ Saxonibus nostris indici solebat conventus publicus qui Folcmote dicitur, derived from *Mot*, conventus, and *Bell*, campana. Vide Leg. Edw. Conf. cap. 35.

Mote, *Mota*, From the Saxon *Gemote*, *Curia*, placitum, conventus: As *Mota* de Hereford, i. Curia vel placita Comitatus de Hereford. In the Charter of *Maud* the Empress, Daughter of King Henry the First, we read thus; *Sciatis me fecisse Milonem de Glocest. Comitem de Hereford & dedisse ei motam Herefordiæ cum toto castello, &c.* Hence *Burgemote*, curia vel conventus *Burgi*; *Swaingemot curia vel conventus ministrorum* scil. *Forestæ*, &c. From this also we draw our word *Mote* or *Moat*, To plead. The Scots say, to Mute, as the *Mute Hill* at *Scone*, i. *Mons placita de Scona*: We commonly apply the word *Moat* to that arguing of Cases used by young Students in the Inns of Court and Chancery. In the Charter of Peace between King Stephen and Duke Henry, afterwards King, it is taken to signify a Fortrefs, as *Turris* of London, & *Mota* de Windsor. The Tower of London, and Fortrefs of Windsor. *Mote* also signifies a standing Pool or Water to keep Fish in, or a great Trench of Water encompassing a Castle, or other Dwelling-house.

Moteer, A customary Service or Payment at the *Mote* or Court of the Lord. — *Johannes Rex*, &c. *Sciatis nos clamasse quietum homines de cornubia in perpetuum de quadam consuetudine vocata Moteer, statuentes & sumiter præcipientes quod nec in curia nostra, nec in curia alterutra in partibus illis de cætero teneatur illa consuetudo.* Teste, &c. Rot. Cart. 5. Joh. m. 9.

Mounterium, Anno 20 H. 3. Placitum in curia Christianitatis coram Rogero Cov. & Lichf. Episcopi de 21 Libris, 16 Soldis, 4 Denariis, uno pari decretalium, una sella, uno freno parca meno, uno mounterio, duobus loculis de serico, una zona serica prædictorum Prioris & Vicarii que non sunt de testamento vel matrimonio. Prynn Collect. Tom. 3. S. 127.

Mounter, An Out-cry or Alarm to mount, and make some speedy Expedition. — *Volumus insuper quod nullus cuiuscunque conditionis, nationis, gradus vel dignitatis existat, clamores vel turbationes facere audeat, quibus nos vel exercitum nostrum turbari con-*

tingat quavis modo, & specialiter illum clamorem quam Mowntee appellamus vel aliquem alium clamorem irrationabilis. — Statuta Hen. 5. Reg. Angl. tempore guerræ apud Nic. Uptonum de militari Officio. lib. 4.

Muchehunt, *Habeant hi quatuor unam regalem potestatem (salva semper nobis nostra presentia) quaterque in anno Generales Forestæ demonstrationes & viridis & veneris forisfactiones quas Muchehunt dicant, &c.* Vide Leg. de Foresta, R. Canuti, cap.

Muller, As it is used in the Common Law, seems to be a word corrupted, and used for *Mellior*, or the French *Melieur*, and signifies the Lawful Issue preferred before an elder Brother born out of Matrimony, Anno 9 H. 6. 11. *Smith de Repub. Anglorum*, lib. 3. cap. 6. But by *Glanville*, lib. 7. cap. 1. The Lawful Issue seems rather *mulier* than *mellior*, because he is begotten è muliere, and not è concubina; for he calls such Issue *Filius mulieratus*, opposing them to Bastards; and Britton, cap. 70. hath *frere mulier*, i. the Brother begotten of the Wife, opposite to *frere Bastard*. This appears to be used in Scotland also, For *Shene de verbor. Signific.* says, That *Mulieratus filius* is a Lawful Son, begotten of a Lawful Wife. A Man hath a Son by a Woman before Marriage, that is, a Bastard, and unlawful, and after he Marries the Mother of the Bastard, and they have another Son; this second Son is called *Mulier*, that is to say, Lawful, and shall be Heir to his Father; but the other cannot be Heir to any man, because in Judgment of Law he is said to be *nullius filius*, or *filius populi*, according to the old Verses.

Cui pater est populus, Pater est sibi nullus & omnis, Cui pater est populus, non habet ipse patrem.

And you always find them distinguish'd with this addition, *Bastard eigne* and *Mulier puisne*. See Co. on Lit. fol. 170. & 243.

Mullerty, The being or condition of a *Mulier* or Lawful Issue, Co. on Lit. fol. 352.

Mullo de fimo, A heap of Cart Dung to be spread upon Land. — In *Berton parva* quilibet *culmarius* — *cariabit de fimo de sterquilio x. muliones de fimo.* Ex Cartular. S. Edmundi. MS. f. 110.

Mullio feni, *Mullo*, A Cock of Grafts or Hay. — *Iste Robertus & omnes alii customarii domine liberan falcant in prato vocato Gildertham sine prandio debent tornare, & inde fenum levare, & muliones inde facere.* Paroch. Antiq. p. 401. Hence in old English a *Moult*, now a *Mow* of Hay or Corn.

Mulmutius Latus. See Law.

Multa or **Multura** Episcopi, Is derived from the Latine word *Mulla*, for that it was a Fine given to the King, that the Bishop might have power to make his last Will and Testament, and to have the Probate of other Mens, and the granting Administrations, 2. Inst. fol. 491.

Multiplication, *Multiplicatio*, Multiplying or increasing: By a Statute made 5 H. 4. cap. 4. It is Ordained and Established, That none from henceforth shall use to multiply Gold or Silver, nor use the craft of Multiplication, and if any the same do, he shall incur the pain of Felony; And it was made, upon a presumption that some Persons skilful in Chymistry, could multiply or augment those Metals. And Henry the Sixth granted Letters Patent to some Persons (who undertook to perform the same, and to find out the Philosophers Stone,) to free them from the Penalty of the said Statute, Rot. Pat. 34 H. 6. m. 13. Co. 3. Inst. fol. 74.

Multitudo, *Multitudo*, Must, according to some Authors, consist of Ten Persons, or more. But Co.

on Lit. fol. 257. says, He never found it limited to any certain number, but left to the Discretion of the Judges.

A multo festiori, Or a minori ad majus, Is an Argument often used by Littleton, and is framed thus. If it be so in a Feoffment passing a new Right, much more is it for the Restitution of an ancient Right, &c. Co. on Lit. fol. 252. & 260.

Autto, Autulo, Polto, Puto, Putto, A Mutton or Sheep. Several ridiculous derivations are given of this word: I suppose the Original was British; for *Molt* in the present Irish Tongue signifies a Ram a Male Wether, to which the Latin *Autto* is always restrained, and does not extend to the Female Sheep or Ewe. — In *stano sunt LII. matres Oves*, XXV. *multones*, XII. *agni mares*, & XIV. *agni feminales*. — And again — XXXII. *oves lactrices*, III. *multones*, XL. *oves otiosas*; i. e. thirty two milch Ewes, three Rams or Wethers, forty barren Ewes. Chantular. Glasfion. MS. f. 39.

Autones auri, Pieces of Gold Money impressed with an *Agnus Dei*, a Sheep or Lamb on the one side, and from that Figure called *Autones*. This Coin was more common in France, and sometimes current in England, as appears by a Patent 33 E. 1. cited by the learned *Spelman*, though he had not then considered the meaning of it. — *Rex tenetur Ottoni de Grandifons in decem millibus multonum auri*.

Autura, Molitura vel, multura, Is the Toll that the Miller takes for Grinding of Corn; *Et totam sequelam Customariorum meorum qui ad dictum molendinum bladum suum molent, ad sextam decimam vas & brasum suum sine multura*, Mon. Ang. 2 par. fol. 825.

Mundbrech, A compound of the Saxon *Mund*, i. tutela, defensio, and *Brice*, fractio, violatio; *Si Rex Ecclesiam, monasterium, burgum, hominem aliquem vel societatem, eorumve res aut praedia in suam suscepit protectionem, debatur hoc omne & ejusmodi quicquid in Regis esse mundio* (in Saxon *On Gyntings mundt*,) *eius violatio etiam Mundbrece dicta est q. protectionis violatio, aut data pacis fractio* quae in Anglorum lege 3. libris plebatur, *Spelman's Gloss.* verbo *Mund*. Some would have *Mundbrech* to signify an infringement of Privileges; others would that it denotes *Montis fracturam*, because *Mund* also is *mons*. But of later time it is expounded *clausuram fractio*, for *Mund* signifies *Clausuram munitio*, the fencing of Lands, therefore *Mundbrech* must be the breaking of those Fences, which in many Parts of England we call *Mounds*; and we say, when Lands are fenced in and hedged, that they are *mounded*.

Mundeburc, *Mundeburdium*, A Saxon compound of *Munde*, defensio, and *Burd* or *Borh*, i. fidejussor, so that *Mundeburd* sit defensionis vel Patrocinii fidejussor, from whence *Mundeburdus*, advocatus.

Muniments, Munimenta, Are authentick Deeds and Writings, by which a man may defend the Title to his Lands, *Episcopus cum munimentorum inspectionem habere non potuit*, &c. Mat. Paris. fol. 311. See *Munimenta*.

Muniment house, Munimen, In Cathedrals, Collegiate Churches, Castles, &c. is a little Room purposely made for keeping the Seal, Evidences, Charters, &c. of such Church, Colledge, &c. such Evidences being called *Munimenta*, from *munis*, to defend, 2 par. Inst. fol. 170. 35 H. 6 fol. 37. b.

Murage, Muragium, Is a Toll or Tribute to be levied for the building or repairing of Publick Walls, &c. N. B. fol. 227. It is due either by Grant or Prescription, Co. 2. par. Inst. fol. 222. *Murage* seemeth also to be a liberty granted to a Town by the King, for the collecting money towards the Walling of the same, Anno 3 E. 1. cap. 30.

Murder, Mordrum, May be derived either from the French *Meurtre*, internecio, or the Saxon *Morden*, signifying the same thing; and according to our Law, is a wilful and felonious killing of another upon premeditated malice, whether secretly or openly, 52 H. 3. cap. 25. *Weist Symbol.* part 2. tit. *Indictments*, sect. 47. *Bracton*, lib. 3. tract. 2. cap. 15. num. 1. defineth it thus: *Homicidium quod nullo presente, nullo audiente, nullo vidente clam perpetratur*. *Briston*, cap. 6. is of the same Opinion, so is *Fleta*, lib. 1. cap. 30. adding besides, that it was not Murder, except it were proved the Party slain was English, and no Foreigner: But *Stranf.* pl. cor. lib. 1. cap. 2. says, The Law in this Point is altered by the Statute 14 E. 3. cap. 4. For now it is murder, when a man upon fore-thought malice kills another, whether privately or publicly, English-man or Foreigner living under the King's Protection. And this premeditated malice is two-fold; 1. Express, when it may be evidently proved that there was ill-will. 2. Implied, when one killeth another suddenly, having nothing to defend himself, as going over a stile, or such like, *Crompt.* Justice of Peace, cap. Of murder, fol. 19. Bro. tit. *Quo warrant.* 2. See *Were*.

Muringers, Are two ancient Officers in the City of Chester, being two of the principal Aldermen, yearly elected to see the Walls kept in good repair; for the maintaining whereof they receive several Tolls and Customs.

Murorum operatio, The Service of Work and Labor done by Inhabitants and adjoining Tenants in Building or Repairing the Walls of a City or Castle. From which Duty some were exempted by special Privilege. So King Henry the Second granted to the Tenants within the Honor of Wallingford — *Ut quieti sint de operationibus castellorum & murorum*. *Paroch. Antiquit.* p. 114. When this Personal Duty was commuted into Money, the Tax so gathered, was called *Murage*.

Murtrians. See *Minstrells*.
Mussa (Lat.) A Mole or Marsh Ground. *Inter diviam terram & humidam usque ad Mussam & sic descendendo per mussam illam usque ad rivum*, part 12. E. 2. p. 1. 22.

Muster, Cometh of the French *Moustre*, i. specimen exemplum, as *Faire moustre Generale de tout son armie*, is as much as *lustrare exercitum*. The signification is well known to muster an Army. So mustred of Record, 18 H. 6. cap. 19. is to be enrolled in the number of the King's Soldiers, *Muster of the King's Musters*, 2 E. 6. 2. See in *Muster*.

Muster, Muster General, Anno 35 Eliz. cap. 4. See *Muster of the King's Musters*.

Muta-Canum, (Fr. *Meute de Chiens*) a Kennel of Hounds. The King at a Bishop or Abbot's Decease had six things: 1. *Optimum equum sine Pallidum ipsius Episcopi cum sella & freno.* 2. *Unam Chlamydem sine Cloacam cum capella.* 3. *Unum Cithrum cum co-opertorio.* 4. *Unam pelvem cum lavatorio.* 5. *Unam Annulum aureum.* 6. *Necnon Mutam Canum quae ad Dom. Regem ratione praerogativa sua spectant & pertinent.* *Hill.* 2 E. 2. in Stat. post mortem Episc. Bath. & Wellens. & Clauf, 30 Edw. 1: m: 16:

Mutare, To mew up Hawks, in the time of their molting, or casting their Plumes. The Mannor of Boighton Com. Oxon. in the Reign of Edward II. was held by John Manduit — per sexantiam mutandi unum boscurum Domini Regis, vel illatum boscurum portandi ad aerium Domini Regis. — *Paroch. Antiquit.* 569. Hence the *Muta Regia*, the Stews near Charing-Cross in London, now the King's Stables, formerly the Falconry, or Place for the King's Hawks.

Putatus accipiter, A mewed Hawk. — Nicholais de Audelegh rediit ad scaccarium unum spervarium mutatum per quod tenet de Rege in capite Egmunton. — Memorand. in Scaccar. term. Mich. 21 E. 1. by Sir John Maynard.

Mute, Mutus, Speechless, or that refuses to speak; A Prisoner may stand mute two manner of ways, 1. When he stands mute, without speaking of any thing, and then it shall be enquired whether he stood mute of Malice, or by the act of God; and if it be found that it was by the act of God, then the Judge of the Court ex Officio ought to enquire whether he be the same Person, and of all other Pleas, which he might have pleaded, if he had not stood mute. 2. When he pleads, Not Guilty, or doth not answer directly, or will not put himself upon the Enquest, to be tried by God and the Country, Co. 2. par. Infl. cap. 12. 32 H. 8. See Paine fort et dure. Mute also signifies a Kennel, or cry of Hounds, as Bailler la mente & ravi à un Cerse, to follow after him with a full cry, Spelman.

Mullebrell, A sort of Fish, perhaps the same with what now in Lancashire is called Milwyn, which Spelman renders Green-fish, but it was not strictly so, but another sort of Cod or Salt-fish: For they are expressly distinguished in this Account — Et in tribus copulis viridis Piscis, & in quindecim copulis de Myllewell minoris sortis, x. fol. vi. den. & in viginti Myllewell majoris sortis xij. fol. Paroch. Antiquit. p. 575.

Mynchen, Mynceana. Sax. Mynceana, A Nun or veiled Virgin. Hence our Minnekin and Minneken-Lafs, to go mincing, &c.

Mysterium, Vide Misterium.

N.

Naam, Namium, From the Saxon Neme, capito, signifies the taking another man's Goods, and is either lawful or unlawful; Lawful Naam is a reasonable Distress, proportionable to the value of the thing distrained for; and this Naam was anciently called either *vif*, or *mort*, quick or dead, according as it is made of dead or living Chattels: Lawful Naam is so, either by the Common Law, or by a man's particular Fact: By the Common Law, as when one taketh another man's Beasts Damage feasant in his Ground. By a man's particular Fact, as by reason of some Contract made, that for default of payment of an Annuity agreed upon, it shall be lawful to distrain in such and such Lands, &c. Horne's Mirror of Justices, lib. 2. cap. De Naam. See Witherburn. From hence comes *Namatio*, the taking or impounding. *Namatus* distrained, see Skene de Verb. Signif. verbo Namare. In the Laws of Canutus, M. S. cap. 18. we read, Et nemo Namium capiat in Comitatu vel extra Comitatum, priusquam ter in Hundredo suo redum sibi perquisierit. And in the Charter of Henry the First, of the Liberties of London, Quod si reddere noluerint (debitores) nec ad distrainandum venire, tunc cives quibus debita sua debent, capiant in civitate Namia sua vel de Comitatu in quo manet qui debitum debet. And in Mon. Angl. 2. par. fol. 256. Non licebit Namium sumere vel vadimonium nec averia sua imparchiare, Spelm. Gloss. verbo Namium.

Nabulum, Merces nautica, Spelman.

Nacka, Natta, A small Ship, a Yat, a Transport Felkel. — Tenet per servitutem de tenenda una corda in Nacka Domina Regina Anglia, quum contigit eam transfretare. Chartular. Abbat. Radinges. MS. f. 51. b. — Reddendo inde quantum pertinet ad quintam partem servantis de Puddeworth scilicet de tenenda una corda in Nacka Regina transfretando versus Pictaviam. Ibid.

Namaton (Namatio) A distreining or taking a Distress. In Scotland it is for Impounding. Nemo veniens ad forum de Nottingham cum quadrigis & summagiis suis à Vespere diei Veneris usque ad Vesperam diei Sabbati Nametur nisi pro forma Regis (Carta H. 2. Burges. de Nott.) i. e. shall not be Distreined.

Namianandum, Insuper Obligavit eisdem Abbati & Conventui, Nomine Pignoris totum Tenementum suum quod est in Parochia S. Edwardi, Oxon. ad Ingrendendum & Namianandum in eodem, &c. Charta Rogeri Bonivalet Cordwarorii Oxon. ad Olneyenses in Reg. Canob. Olney, fol. 118.

Napperie (Anno 2 R. 2. cap. 1.) (from the Italian Napperia i lincamina domestica) we may call it Linnen Clothier, or Household Linnen.

Narrator, a Pleader or Serjeant at Law. — Et sciendum quod quidam Willielmus Lovel miles hic in Curia in presentia & audientia Justic. animo impetuofo dixit eundem Ade de Elscham Narratori predicti Petri in Assisa predicta placitandi, &c. Hill. 16 E. 3. Nisean. anciently Serviens Narrator, was used for a Serjeant at Law. See Serjeant.

Nasse, Seems to be the Proper Name of Orford Haven in Suffolk, 4 H. 7. 22.

Nathwite, — Quid nec dictus Philippus de Arey nec heredes sui de cetero petere possit aliqua tallagia nec etiam Francum plegium nec etiam aliam demandam quæ vocatur Nathwite: Charta 55 H. 3. m. 6.

Natio, A Native Place. The Jurors of the Borough of Wallingford, return upon Oath — Quod nullus de Natione istius Burgi pro quocunque facto quod fecerit, debet supendi, &c. Paroch. Antiquit. p. 258.

Nativitas, Nativitas, Birth, casting the Nativity, or by Calculation, seeking to know how long the Queen should live, &c. made Felony, 23 Eliz. 2. Nativitas was anciently taken for Bondage or Villenage, Terram quam nativi sui tenuerunt de se in nativitate, Mon. Ang. 2. par. fol. 643.

Nativus habendo, Was a Writ that lay to the Sheriff, for a Lord, whose Villain claimed for his Inheritance, run from him, for the apprehending and restoring him to his Lord again, Reg. Orig. fol. 87. F. N. B. fol. 77. See the Charter of Richard the Second, by which he manumitted all in the County of Hertford, Wallingham, pag. 254.

Nativus, He that is born a Servant, and so differs from him that suffers himself to be sold; of which Servants there are three sorts, Bondmen, Natives, and Villains; Bondmen were those who bound themselves by Covenants to serve, and took their Name from the word Bond; Natives, we spoke of just before; And Villains were such who belonging to the Land, till the Lord's Demesnes, nor may depart thence without the Lord's License, Spelman's Gloss. — Quid si aliquis Nativus alicujus in prefato Burgo manserit & terram in eo tenuerit & fuerit in predicta Gilda & Hansa & Loth & Scoth cum eisdem Burgensibus nostris per unum annum & unum diem sine calumpnia, deinceps non possit repeti à Domino suo, ut in eodem Burgo libere permaneat, Carta, Hen. 3. Bugensibus Mangimery.

Native tenentes, Sunt (ipsi etiam liberi) qui terram tenent Nativam, hoc est, nativorum servitiis obnoxiam, Spelman.

Nativi de stipite, Il Nativus de stipite quondam tenuit in Villenagio ut de stipite unam Messuagium in Rillatum, &c. Survey of the Dutchy of Cornwall, where there is also mention of Nativi Conventionarii, the first were Villains or Bondmen by Birth or Stock, the other by Contract, servi enim alii natura alii facti alii opitione alii redemptione alii sua vel alterius datione, L. L. H. 1. 1. cap. 76.

Naturalization,

Naturalization, Naturalizatio, Is when an Alien born, is made the King's natural Subject. See *Denizen*. And this faith *Spelman*, *Regio diplomate & Senatus-consulto expetendum est. Potest autem virtute Regii Diplomatis denizationem, hoc est, Municipium consequi, quo pradia comparet, possideat, disponat, muniaque omnia subeat uti naturalis indigena; hereditarie tamen nil adeat simpliciter hoc nomine: Sed naturalizationis pallio indutus omnem adipiscatur penititudinem.*

Naturæ, Pudenda, Privities. — *Pensandum autem est, per visum accusantis visum concubitus propensius advertendum, ut scilicet ipsas excentium naturas viderint commiseri.* *Leges Hen. 1. cap. 83.*

Navis, Navitula, A small Dish to hold the Frankincense, before it was put into the *Thuribulum*, Censer, or smoking Pot. — *Inter Ecclesie ornamenta:— Thuribulum cum navi. Paroch. Antiquit. p. 598.* It seems so called from the shape, resembling a Boat or little Ship, as a *Cogue* of Brandy for the like reason. We have seen several of these Boat-cups in Silver, Earth, &c.

Navis Ecclesiæ, The Nave or Body of the Church, as distinguish'd from the Quire, and Wings, or Isles.

Ne admittas, Is a Writ that lyeth for the Plaintiff in a *Quare Impedit*, or him that hath an Action of *Darrein Presentment* depending in the Common-Bench, and feareth that the Bishop will admit the Clerk of the Defendant, during the Suit between them; which Writ must be sued within six Months after the avoidance, because after six Months the Bishop may present by *Lapse*, *Reg. Orig. fol. 31. F. N. B. fol. 37.*

Natland, Terra Villanorum, Land let or granted out to the Yeomanry, *Ex vet. Charta.*

Negative pregnant, Negativa prægnans, Is a negative implying also an affirmative: As if a man being impleaded to have done a thing on such a day, or in such a place, denyeth that he did it *modo & forma declarata*, which implyeth nevertheless, that in some sort he did it: Or if a man be said to have alienated Land in Fee, and he saith, he hath not alienated in Fee, this is a negative pregnant; for though it be true that he hath not alienated in Fee, yet it may be, he hath made an Estate in tail, *Dyer, fol. 17. m. 95. And Brook hoc titulo, and Kitchin, fol. 232. and the Terms of the Law.* We read also in some Civilians of *Affirmativa prægnans*, and that is, *que habet in se inclusivam negativam & hoc importare videtur distinctiones (solum & tantum) qua implicent negativam.* *Pacianus de probationibus, lib. 1. cap. 31. num. 16. fol. 93.*

Ne gildare, — *Non cogitur liber cum servo negildare, nisi velit ei satisfactionem facere, nec servus cum liberis.* *Leges Hen. 1. cap. 70.* The Laws of King *Ina*, Sect. 7, 8. thus expound the word: *Non cogatur liber cum servo cognationem solvere, nisi velit eum satisfactione liberare.*

Nesse, Nativa, From the French *Nais*, *naturalis*, Is a Bond-woman, *Anno 1 E. 6. 3. and 9 R. 2. cap. 2.* But if she marry a Free-man, she is thereby made free; and if she be once free, and clearly discharged of all Bondage, she cannot be *Nesse* after, without some special Act done by her, as Divorce, or Confession in Court of Record; and that is in favour of Liberty, and therefore a free Woman shall not be bound by taking a Villain to her Husband; but their Issue shall be Villains as their Father was, which is contrary to the Civil Law, which says, *Partus sequitur ventrem.* See *Manumission*.

Writ of Nesses, Was a Writ whereby the Lord claimed such a Woman for his *Nesse*, wherein but two *Nesses* could be put; but it is now quite out of use.

Neophyte, A Learner in any thing, *Tyro*; we call such a one a *Novice*.

Ne injuste vexes, Is a Writ which lies for a Tenant that is distrained by his Lord, for other Services than he ought to make, and is a prohibition to the Lord in it self, commanding him not to distrain: The special use of it is, where the Tenant hath formerly prejudiced himself, by performing more Services, or paying more Rent, without constraint, than he needed; for in this case, by reason of the Lord's Seisin, he cannot avoid him in *Warranty*, and therefore is driven to this Writ, as his next remedy, *Reg. Orig. fol. 4. F. N. B. fol. 10.*

Nette. See *Nasse*.

Et vice comes colore mandati Regis quinquam amoveat a possessione Ecclesie minus iuste, *Regist. Orig. fol. 61.*

Netcol, Anciently used for *Lincoln*. In *fascie Petitionum* in *Turri London*, 30 Ed. 1. 7 E. 1. & *scpe alibi.*

Niderling, alias Niderling, alias Nithing, Gule. *Malmes, pag. 121.* In the Life of *William Rufus*, hath these words, *Anglos suos appellat (Rex) & jubet ut compatriotas advocent ad obsidionem venire, nisi si qui velint sub nomine nidering quod nequam sonat remanere; Angli qui nihil minus putarunt quam hujusce vocabuli dedecore adiri, catervatim ad Regem conflant & invincibilem exercitum faciunt.* And *Mat. Paris*, in Anno 1088. p. 14. *Ut ad obsidionem veniant jubet, nisi velint sub nomine Nithing quod Latine nequam sonat recedere, &c.*

Nient compisse, Is an exception taken to a Petition, as unjust, because the thing desired is not contained in that Act or Deed whereon the Petition is grounded. For example, One desireth of the Court to be put into Possession of a House, formerly among other Lands, &c. adjudged unto him: The adverse Party pleadeth, That this Petition is not to be granted, because though he had a Judgment for certain Lands and Houses, yet the House, into the Possession whereof he desireth to be put, is not contained among those for which he had Judgment. See the *New Book of Entries, titulo Nient* comprise.

Nihil, Anno 3 E. 4. cap. 5. The word is mentioned, and seems to signify a thing of little value; It may be a corruption of *nihil*, but neither *Cowell* nor *Spelman* have given it any Interpretation.

Niger Liber, Is the *Black-Book* in the Exchequer so called.

Nihil or Nithil, Is a word which the Sheriff answers, that is opposed concerning Debts illeivable, and that are nothing worth, by reason of the insufficiency of the Parties from whom they are due; *5 R. 2. Stat. 1. cap. 3. and 27 Eliz. cap. 3. Accounts of Nihil shall be put out of the Exchequer, 5 R. 2. Stat. 2. cap. 13.*

Nihil dicit, Is a failing to put in Answer to the Plea of the Plaintiff by the day assigned, which if a man omit, Judgment passeth against of course by *nihil dicit*, that is, because he says nothing in his own defence, why it should not.

Nihil capiat per Breve, Is the Judgment given against the Plaintiff, either in bar of his Action, or in abatement of his Writ, *Co. on Lit. fol. 363.*

Nihil capiat per billam. See *Nihil capiat per breve*.

Nisi prius, Is a Writ Judicial, which lyeth in case where the Jury is impannell'd, and returned before the Justices, the one Party or the other requesting to have this Writ for the case of the Country, whereby the Sheriff is willed to cause the Enquest to come before the Justices in the same County at their coming. See *14 E. 3. cap. 15.* The form of the Writ you have in the *Old Nat. Brev. fol. 159.* and in the *Register Judicial, fol. 7. & 28. & 75. New Book of Entries,*

Entries, verbo Nisi Prius. And it is called a Writ of *Nisi Prius*, of these two words, whereby the Sheriff is commanded to bring to Westminster the men impannelled at a certain day, or before the Justices of the next Assizes, *Nisi die Lunæ apud talem locum prius venerint*, &c. And the Justices of *Nisi Prius* must be one of them before whom the Cause is depending in the Bench, *F. N. B. fol. 240.* which he taketh from the Statute of York, Anno 12 E. 2. See *Westm. 2. cap. 30. 13 E. 1. and 27 E. 1. cap. 4. 2 E. 3. cap. 17. & 4 E. 3. cap. 11. & 14 E. 3. cap. 16. 7 R. 2. cap. 7. and 18 Eliz. cap. 12.*

↳ **Haw, the lesser Hawk, or Sparrow-hawk.** —

In *memoria* de *Blidenid* habebant Archiepiscopus & Canonici Ebor. proprios Forestarios suos & mei & areas accipitum & nidorum & panagium. *Cart. H. 3. ex Registro Joh. Romane Archiep. Ebor. MS. fol. 91.*

↳ **Nobilitas.** A Noble, an ancient kind of English-money now not in use; the value thereof, in the thirty fourth Year of Edward the Third, being 1360. appears in the Letters of John King of France, upon the Treaty of Peace between the same two Kings, where Art. 13. you have these words, — *Item accorde est, que le Roy de France payera au Roy d'Angleterre trois millions d'escus d'or, dont les deux valent un noble de la monney d'Angleterre.* We at this day value a Noble at six shillings eight pence, but have no peculiar Coin of that Name.

↳ **Nobilitas.** Nobility compriseth all degrees of Dignity above a Knight, so that a Baron is the lowest Order thereof, *Spelm. de Repub. Ang. lib. 1. cap. 17.* Bartolus in his *Traict de Nobilitate*, lib. 12. defines it thus, *Nobilitas est qualitas illata, &c.*

↳ **Nocatam terræ.** — qui tenuit dimidiam virgatam terræ vel Nocatam terræ vel Cortagium — Customar. de Sutton Colfield. See *Nosh of Land.*

↳ **Noctes & noctem de firma.** We often meet in *Doomsday* with *Tot noctes de firma, vel firma tot noctium*, which is to be understood of entertainment for so many nights. See *Doomsday, tit. Ellexa.* Rex *Hundred de Chemesford writelan tunc reddidit hoc manerium decem noctes de firma & 10. lib. &c.* Our Ancestors, the English Saxons, were accustomed to reckon their times by the Nights, which Custom we still retain, when we say for a single Week, a *Sevenight*, quasi *seven night*, that is, *septem noctes*; and so for two Weeks, a *Fortnight*, quasi *fourteen-nights*, (i.) *quatuor-decem noctes.*

↳ **Documentum.** See *Nusance.*

↳ **Nodfyr** alius *Nedfyr*, Was a word well known among the Saxons to signify necessary Fire, being derived from the Saxon *Neb*, that is, necessary, and *fyr*, ignis: But the learned *Spelman* is of Opinion from the old Saxon *Nend*, (i.) *obsequium*; so that *Nodfyr* were Fires made in honour of the Heathenish Deities. Vide *Proemium Eadgaris Regis de Cambriis Regularibus introducendis, &c.*

↳ **Nossus, Nausus.** A Coffin of Wood. *Siquis corpus in terra vel nasso vel petra, sub petr. vel pyramide, vel structura qualibet positum effodere presumserit.* — *Leges Hen. 1. cap. 83.*

↳ **Nomenclator.** One that enucleates and opens the Etymologies of Names. *Spelman verbo Nomenclator*, interprets it to be *Thesaurarius.*

↳ **Nomina Villarum.** King Edward the Second (Anno Reg. 9.) sent Letters to the Sheriffs of England, Commanding them to make an exact Return into the Exchequer of all the Names of the Villages, and Possessors thereof in every County, which was accordingly done by them, and their Returns together are called *Nomina Villarum*, remaining still in the Exchequer.

↳ **Nomination, Nominatio.** Is used as well by the Canonists as Common Lawyers, and taken for a Power, that a man by virtue of a Mannor, or otherwise, hath to appoint a Clerk to a Patron of a Benefice, by him to be presented to the Ordinary.

↳ **Nona, Nonæ.** According to the Romans Account, were those days which at the beginning of some Months had six, of others had four days, according to the Verses,

*Sex Nonas Maius, October, Julius & Mars,
Quatuor at reliqui, &c.* —

↳ **Spelman** in his *Glossary* interprets it for *Meridies*, Mid-day, Dinner-time, which we in English call *Noon* and *Noon-tide*, which is as much as if we should say in Latine *Horam nonam, id est, Pomeridianam tertiam, non meridiem*, and as he inters, *Ratio à Romanorum cœna ducta est, quæ hora diei nona est, nec solemniter antè comedabant.*

↳ **Nonability.** Is an exception taken against the Plaintiff or Defendant, upon some cause why he cannot commence Suit in Law, as *Pramurire, Outlawry, Profest in Religion, Excommunicate, or a Stranger born*, which last holds only in Actions real and mixt, and not in personal, except he be a Stranger and an Enemy. The Civilians say, That such a man hath not *Personam standi in judicio.* See *Bro. hoc titulo*, and *F. N. B. fol. 35. 65. & 77.*

↳ **Non admittas.** See *Ne admittas.*

↳ **Nonage.** Is all that time of a man's age, under one and twenty years in some Cases, and fourteen in others, as Marriage. See *Broke, tit. Age. Vide Age.*

↳ **Non capiendo Clericum.** See *Clericum non capiendi.*

↳ **Nonclaim.** Is the omission, or neglect, of him that ought to challenge his Right within a time limited, by which neglect he is either barred of his Right, as at this day upon *Nonclaim* within five years after a Fine, and Right to him accrued, by the Statute of 4 H. 7. 24. Or of his Entry by his descent, for want of *Claim*, within five years after the *Disseisin*, made by the Stat. 32 H. 8. 33. Vide *Co. lib. 4. in Proem. and Continual Claim.*

↳ **Non compos mentis.** That is, not of sound memory or understanding, which are four-fold: 1. An *Ideot à Nativitate*, is *non compos mentis*. 2. He that by accident wholly loseth his memory and understanding. 3. A Lunatick, that hath *Lucida intervalla*, sometimes his understanding, and sometimes not. 4. He that by his own act for a time depriveth himself of his right mind, as a Drunkard; but this last kind shall give no Privilege to him or his Heirs. See *Co. lib. 4. fol. 124. Beverly's Case.*

↳ **Non distringendo.** Is a Writ comprising under it divers particulars, according to divers Cases, which see in the Table of *Reg. Orig. verb. Non distringendo.*

↳ **Non est Culpabilis.** Is the general Plea to an Action of Trespass, whereby the Defendant doth absolutely deny the Fact imputed to him by the Plaintiff, whereas in other special Cases the Defendant but alledgeth some reason in his own defence: And therefore when the Rhetoricians comprise the substance of their Discourses under three Questions, *An sit, quid sit, quale sit.* This Answer falleth under the first of the three, and as it is the general answer in an Action of Trespass, that is, an Action criminal civilly prosecuted; so is it also in all Actions criminally followed, either at the Suit of the King, or other, wherein the Defendant denyeth the Crime objected unto him. See the *New Book of Entries, tit. Non culpabilis*, and *Stamf. Pl. Cor. lib. 2. cap. 62.*

Non est factum, Is an Answer to a Declaration, whereby a man denyeth that to be his Deed, whereupon he is impleaded, *Bro. hoc tit.*

Non implacitando aliquem de libero tenemento sine writi, Is a Writ to inhibit Bayliffs, &c. from distraining any man without the King's Writ touching his Free-hold, *Register*, fol. 171.

Non intromittendo, quando habet de Præcipe in Capite *Indubitate impetratur*, Is a Writ directed to the Justices of the Bench, or in *Eyr*, willing them not to give one that hath under colour of intituling the King to Land, &c. as holding of him in Capite, deceitfully obtained the Writ called *Præcipe in Capite*, but to put him to this Writ of Right, if he think good to use it, *Reg. Orig.* fol. 4. b.

Non Mercandirando Victualia, Is a Writ directed to the Justices of Assise, commanding them to enquire whether the Officers of such Town do sell Victuals in gross, or by retail, during their Office, contrary to the Statute, and to punish them if they find it true, *Register of Writs*, fol. 184.

Non molestando. Is a Writ that lyeth for him which is molested contrary to the King's Protection granted him. *Register of Writs*, fol. 24.

Non obstant, (Which signifies Notwithstanding,) Is a Clause frequent in Statutes and Letters Patent. *All Grants of such Pensions, and every Non obstante therein contained, shall be void*, 14 Car. 2. cap. 11. *Croke's Rep.* 3. par. fol. 196. and *Plowd. Com.* fol. 301, 302. In the Reign of King Henry the Third, (says Sir Richard Baker) The Clause *Non obstante* (first brought in by the Pope) was taken up by the King in his Grants and Writings. See *Prynne's Animadversions* on 4 *Inst.* fol. 129.

Non omitt. propt. aliquam libertat. Is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath sent to the Bayliff of such a Franchise which hath the return of Writs, and he hath not served the Writ, then the Plaintiff shall have this Writ directed to the Sheriff to enter into the Franchise, and execute the King's Process himself, *Old Nat. Brev.* fol. 44. Of this the *Register Original* hath three sorts, fol. 82. & 151. and the *Register Judicial* one, fol. 51. & 56. Also the Sheriff shall warn the Bayliff, That he be before the Justices at the Day contained in the Writ, and if he come not, then all the *Judicial* Writs during the same Plea issuing, shall be Writs of *non omittas*, and the Sheriff shall execute the same. See *Termes de la Lay*, *hoc tit.*

Non Plevin. It was Enacted 9 E. 3. 2. That none thenceforth should lose his Land because of *Non Plevin*, that is, when the Land was not replevined in due time. *Ralph de Hengham* gives this good Account of it — *Carveat sibi reus deficiens, quod infra 15 dies terram suam capiam in manum Domini Regis replegit, quod si non fecerit, ad calumniarum petenti proximo die placiti amittet seisinam terra sicut per defaultam — Et illa defaulta vocatur Gallice Non-plevine & apud alios naturaliter defaulta post defaultam.* *Hengham* in *Magn. cap. 8.*

Non Pontificis in Assis & Juratis, Is a Writ founded upon the Statute of West. 2. cap. 38. and *Articuli super Chartas*, cap. 9. which is granted upon divers Causes to Men, for the freeing them from *Assises* and *Jurors*. See *P. N. B.* fol. 165. and the *Register*, fol. 100, 119, 181, 183.

Non Procecdendo ad Assiam Regis inconsulto, Is a Writ to stop the Tryal of a Cause appertaining unto one that is in the King's Service, &c. until the King's Pleasure be farther known, *Register*, fol. 220.

Non residentia pro Clericis Regis, Is a Writ directed to the Ordinary, charging him not to molest

a Clerk employed in the King's Service, by reason of his *Non-residence*, *Reg. Orig.* fol. 58.

Non-Residence, 28 H. 8. 13. Is applied to such Spiritual Persons as are not resident, but do absent themselves for the space of one or two Months at several times in one Year from their Benefices; for *Personal Residence* is required of Ecclesiastical Persons upon their Cures. See 2. par. *Inst.* fol. 625.

Non solvendo pecuniam ad quam Clericus multatur pro non residentia, Is a Writ prohibiting an Ordinary to take a Pecuniary Mult imposed upon a Clerk of the King for *Non-Residence*, *Reg. Orig.* fol. 59.

Non sult, Is a renouncing of the *Suit* by the Plaintiff or Demandant, most commonly upon the discovery of some Error or Defect, when the matter is so far proceeded in, as the Jury is ready at the Bar to deliver their Verdict, 2 H. 4. 7. See the *New Book of Entries*, verbo *Non sult*. The *Civilians* term it *Litis renunciationem*. See 23 H. 8. cap. 15. 8 *Eliz.* cap. 2. and 4 *Jac.* cap. 3. whereby he that is *Non-suit* shall pay Costs to the Defendant.

Non sum informatus. See *Informatus non sum*.

Non sane memoria, *Non sane memoria*, Is an exception taken to an Act declared by the Plaintiff or Demandant, to be done by another, whereupon he grounds his Plaint or Demand: And the effect of it is, that the Party that did that Act was mad, or not well in his Wits when he did it. See the *New Book of Entries*, titulo *Non sana memoria & dum non fuit compos mentis*. See also before *Non compos mentis*.

Non tenet, Is an exception to a Count, by saying, That he holdeth not the Land specified in the Count, or at least some part of it, 25 E. 3. Stat. 4. cap. 16. *West Symbol.* part 2. tit. *Fines*, sect. 138. makes mention of *Non tenure general*, and *Non tenure special*. See the *New Book of Entries*, verbo *Non tenure*, where 'tis said, That *special non tenure* is an exception, alleging that he was not Tenant the day when the Writ was purchased. *Non tenure general*, is when one denies himself ever to have been Tenant to the Land in question.

Non Nones, (*Nones*) In March, May, July, and October are six days next following the first day, or the Calends. In the other Months they are the four days next following the first, but the last of these days is called *Nones*, as the third, fourth, or fifth *Nones*. They are called *Nones*, because they begin the Ninth day before the Ides. Dates of Deeds by *Nones*, *Ides*, is sufficient, *Inst.* 2. part. 675.

Non terme, *Non terminus*, Is the time of Vacation between *Term* and *Term*: It was wont to be called the time or Days of the King's Peace, *Lamb. Archaionum*, fol. 126. and that these were in the time of Edward the Confessor, see there. This time, by the Romans, was called *Jusstitium* or *Feria*, or *dies nefasti*; *Feria* appellari notum est tempus illud, quod forensibus negotiis & jure dicendo vacabat; Earum autem alia solennes erant, alia repentina, *Briffon*, de verb. Signif. lib. 6. *Wesembec. paratit.* de feriis, num. 6.

Book of Land, *Noka terra*, universis pateat quod ego J. qui fui uxor W. B. — tradidi, &c. H. A. num. mess. & unam Nokam terra cum pertin. in villa de M. Dat. apud Sodynton, 5 E. 3.

Non Noonscench. *Inter antiquas consuetudines Abbatia de Sancto Edmundo — infra manerium de Herdwyke — Customarius faciet si Dominus voluerit unum precarium in Autumno cum duobus hominibus ad cibum Domini ad duo repasta & ad Noonscench, & aliam precariam cum uno homine ad cibum Domini ad duo repasta & ad Noonscench si Dominus voluerit.* *Ex Cartular. S. Edmundi.* MS. f. 322.

Northroy. As much as to say, Northroy, that is, the Northern King: The third of the three Kings at Arms, and his Office lies on the North-side of Trent, as *Clarentius* on the South: He is mentioned in the Statute 14 Car. 2. cap. 33. See *Herald*.

Notary, Notarius. Mentioned 27 E. 3. 1. Is a Scribe or Scrivener, that makes short draughts of Writings and other Instruments. At this day we call him a Notary, or Publick Notary, that attests Deeds or Writings to make them authentick in another Country, but principally in business relating to Merchants.

Note of a Fine, Nota finis. Is a brief of a Fine made by the Chirographer, before it be ingrossed; the form whereof see in *West Symbol.* part 2. tit. *Fines*, sect. 117.

Not Cully. See *Non est Culpabilis*.

Novale. Seems to be Land newly plowed, that without memory of man had not been tilled. Item *nota quod Novale est ager nunc primum tractatus & quod Novale semel fuit, semper erit Novale, quo ad decimarum retentionem vel solutionem.* Ex cartulario Abbatie de Furnesse in Com. Lanc. in Officio Ducat. Lanc. fol. 41. b.

Novata Oblata. De Novis Oblatis Nichil scribatur in Rotulo annali nisi ea de quibus Vicecomites respondent & debita inventa in Originalibus qua videntur esse clara Claus. 12 E. 1. m. Dorso. See *Oblata*.

Novel Assignment. *Nova assignatio.* Is an assignment of Time, Place, or such like, otherwise than as it was before assigned, Bro. tit. Deputy, num. 12. See *Novel assignment of Trespas* in a new place, after Bar pleaded, Bro. tit. Trespas 122. and *Novel assignment* in a Writ de ejectione custodie, tit. Ejectione custodie, num. 7. See *Assignment*.

Novel Differfin. See *Affise of Novel Differfin*.

Noviche. Hac ornamenta capelle sue delata sunt ad Ecclesiam suam Eljensem post obitum suum, (scilicet Johannis de Ketene Episcopi) una cappa rubea de Samye bene bradata cum imaginibus in tabernaculis cum uno Nowche nobili de argento cum salutatione protrahita in amari saphiri coloris. Hist. Elien. apud Whar-toni Angl. Sacr. Part 1. p. 642.

Novtegeld. So Cornagium was called. See *Cornage*.

Noyles. No Person shall put any Noyles, Flocks, Tribans, Hair, or other deceivable thing into any broad Wollen Cloth, &c. 22 Jac. 18.

Nuces colligere. To gather small Nuts, or Hazle-Nuts. This was one of the Works or Services imposed upon inferior Tenants. — *Homines de Hedington uno die colligent Noces nomine Domini in bosco qui vocatur Stonode* — *Homines de Pydington per unam diem colligent Noces ad opus Domini in bosco suo cum uno homine.* — Paroch. Antiquit. p. 495.

Nudo Contract. *Nudum Pactum.* Is a bare promise of a thing, without any consideration; and therefore we say, *Ex nudo pacto non oritur actio*.

Nudo Matter. See *Matter*.

Ad Numerum. *Civitas Cant.* redit 24 l. ad Numerum Domes day, that is, by Number or Tale, as 'tis called. And *Libra Pensata vel ad pondus*, was by Weight. See *Libra Arsa*. *Pecunia in numero, ad numerum, numerata*, was the ancient and usual reservation, and supposed to be intended in all Grants, unless the contrary was expressed. *Vide Hale of Sheriffs Accompts.* p. 25.

Nummata terra. Is the same with *Denariatus terra*, and thought to contain an Acre, *Sciatis me* (i. e. Will. Longespee) dedisse & concessisse Ecclesie S. Marie de Wallingham & Canonis ibidem Deo Servientibus in perpetuum Eleemosynam 40. Nummatas terrae in Wallingham, qua fuit Archetel & Brinig fratris ejus de

focca Wibotune, libere, quiete & honorifice absque omni servitio & omni consuetudine. Spelman.

Quincupativus still. See *Will*.

Quinne, Norma. Signifies a holy or consecrated Virgin, or a Woman that hath by Vow bound herself to a single and chaste Life in some Place and Company of other Women, separated from the World, and devoted to an especial Service of God by Prayer, Fasting, and such like holy Exercises. St. Hierome tells us, This is an Egyptian Word, as *Hosnian* recordeth of him in the Book *De Origine & Progressu Monachatus*, fol. 2.

Quincius. We may call him an Apparitor, Sergeant, or Beadle.

Quere obit. Is a Writ that lies for a Coheir, being deformed by her Co-partener of Lands or Tenements, of which the Grand-Father, Father, Uncle, or Brother to them both, or any other their common Ancestor, died seized of an Estate in Fee-simple. See the Form of the Writ, *Reg. Orig.* fol. 226. &c. and *Fitzh. Nat. Brev.* fol. 197. But if the Ancestor died seized in Fee-tail, then the Coheir deformed shall have a *Formedon*, *ibid.* But where the Ancestor was once seized, and died not seized of the Possession, but in Reversion; in such case a Writ of *Rationabili parte* lies for the Party.

Quisance. (*Nocumentum*.) Cometh of the French *Nuire*, i. e. *Nocere*, and signifies not only a thing done, whereby another Man is annoyed in his Free Lands or Tenements, but the Assize or Writ lying for the same, *Fitz. Nat. Brev.* fol. 183. And this Writ de *Nocumento*, or of *Nisance*, is either simply de *Nocumento*, or de *parvo nocumento*, and then it is *Vicountiel*, *Old Nat. Brev.* fol. 108, 109. *F. N. B.* fol. 183, 184. Britton calls it *Nisance*, whom read, cap. 61, 62. *Manwood* in his *Forest Laws*, cap. 17. makes three sorts of *Nisance* in the Forest: The first is, *Nocumentum commune*. The second, *Nocumentum speciale*. The third, *Nocumentum generale*, which you may read there, (for I will not insist upon the distinction.) See *Reg. Orig.* fol. 197. & 199. *Co. Rep.* Williams Case. Instead of this, now generally are brought Actions of Trespas, and upon the Case.

Neutegeld or Neutgelo. *Carta Antiq.* S. N. 29. A certain Tribute paid in Cumberland and Westmorland. It may be the same with *Wongeld*, for by *Neut*, Neat, is understood Cattle — *Ricardus Rex*, &c. *Sciatis nos concessisse Gilberto filio Rogeri & heredibus suis quietantiam per totam terram suam de Westmorland & de Kendale de Neutegeld, &c.* *Cart. Ric.* 1.

Nutmegs. *Nuces muscatae.* Is a Spice well known to all, described in *Gerhard's Herbal*, lib. 3. cap. 145. and mentioned among Spices that are to be garbled, 1 Jac. 19.

Nutrimetum. Breed of Cattle. — *Quilibet Custumarius Domini non debet vendere equum masculum neque bovem de proprio nutrimento suo.* — *Paroch. Antiquit.* p. 401.

O

O. The seven Antiphones or alternate Hymn of seven Verses, &c. sung by the Quire in time of Advent, was called *O*, from beginning with such Exclamation. In the old Statutes and Orders for the Church of St. Paul in London, in time of Ralph de Diceto, Dean, there is one Chapter *De faciendo O.* — *Debet etiam novus Residentarius contra Natale O suum intonare, & in domo sua post completorium totum Chorum imitare, &c.* *Liber Statutorum Eccl. Paul. London.* MS. f. 86.

Oblat. In the Exchequer, as soon as a Sheriff enters into his Accounts, for Issues, Amerciaments, and mean Profits, they set upon his Head this mark, *O Ni.* which denotes *Oneratur, nisi habet sufficientem exonerationem*, and thereupon he forthwith becomes the King's Debtor. and a *Debet* set upon his Head, and then the Parties *Peravale*, become Debtors to the Sheriff and discharged against the King, Co. 4. Inj. fol. 116.

Oath-Gavel. See *Gavel-jester*.

Oath-Gavel. See *Gavel*.

Oath, Juramentum, is an Affirmation or Denyal by any Christian of any thing lawful and honest before one or more that have Authority to give the same, for the advancement of Truth and Right, calling Almighty God to Witness, that his Testimony is true: It is called a *Corporal Oath*, because he toucheth with his Hand some part of the Holy Scripture, Co. 3. par. Inst. cap. 74. The Law esteems it the best means to serach out the Truth, by the Oaths of honest, lawful, and indifferent Persons; and therefore it is fitly termed *Sacramentum*, an holy Band, or sacred Tye, or godly Vow. Some do call it *Firmamentum veritatis*, the foundation and ground of Truth; Others *Vinculum pacis*, and if it be taken and found by a whole Jury, it is called *Verdictum*, a Verdict. *Pulton de Pace Regis & Regni.* See the Book of *Oaths*, lately set out and Printed.

Oblat. *Servientes infirmorum & refectorii respondeant suis Magistris de cibis argenteis & marreis, cothealibus argenteis, Obbis, salariis Mappis & manutergis* — Hist. Ingulph. p. 104.

Obedientia, Was a Rent, as appears out of *Roger Hoveden, parte poster. annal. suor. pag. 430.* in these words, *Ut ergo eis (sc. regularibus) adimatur opportunitas evagandi, prohibemus, ne redditis quod Obedientias vocant ad firmam teneant, &c.* In the Common Law it is used for an Office, or administration of an Office; and thereupon the word *Obedientiales* is used in the Provincial Constitutions, for those which have the execution of any Office under their Superiours, cap. prim. de Statu regula. For thus saith *Linnwood* in his gloss upon that Word, *Hi sunt qui sub Obedientia suorum Prelatorum sunt & habent certa Officia administranda interius vel exterius.* It may be that some of these Offices called *Obedientia*, consisted in the collection of Rents or Pensions, and that therefore those Rents were by a *Metonymie*, called *Obedientia quia colligebantur ab Obedientialibus.*

Obit, A Latine Word, signifying a Funeral Solemnity, or an Office for the Dead, most commonly performed at the Funeral, when the Corps lye in the Church uninterred: Also the Anniversary Office, *Cro. 2. par. fol. 51. Holloway's Case.* It was held 14 *Eliz. Dyer*, 312. That the tenure of *Obit* or *Chantry-Lands* held of Subjects, is extinct by the Act of 1 E. 6. 14. See 15 Car. 2. cap. 9.

Obit, Obituary. The Anniversary of any Person's Death was called the *Obit*; and to observe such Day with Prayers and Alms, or other Commemoration, was called *keeping the Obit*. In Religious Houses they had a Register or Kalendar, wherein they entered the *Obits* or *Obitual Days* of their Founders and Benefactors, which was thence called the *Obituary*.

Oblurgalica, Scolds or Railing Women, M. S. L. L. *Liberi Burgi Villa de Montgomery a tempore Hen. 2.*

Oblata, Properly Offerings: But in the Exchequer it signifies old Debts, brought together from precedent Years, and put to the present Sheriff's Charge. See the *Prælice of the Exchequer*, pag. 78. Also Gift made to the King by any of his Subjects, which were so carefully taken notice of in the Reigns of King

John and Henry the Third, that they were entred in the fine Rolls, under the Title *Oblata*; concerning which see Mr. *Philips* his Book of the Antiquity and Legality of Royal Purveyance, *Spelman's Glossary*, and *Prynne's Aurum Regina*.

Oblate, The Consecrated Wafers or Hosts distributed to Communicants in the Mass or Sacrament of the Altar. — And hence the word was afterward used for thin Cakes or Wafers bak'd in Iron Moulds, which the French still call *Oblee* and *Oblie*. — A Customary Treat in Religious Houses. Item *singulis diebus dominicis in quadragesima dimidium prebendarum frumenti de granario ad Oblatas ad Cenam, & dimidium similiter in Cena Domini ad idem.* — *Monast. Angl. Tom. 1. p. 149.*

Oblations, *Oblationes*, Are thus defined in the Cannon Law, *Oblationes dicuntur, quæcumque à piis fidelibusque Christianis offeruntur Leo & Ecclesie sive res soli sive mobiles sint; nec refert an turgentur testamento, aliter donentur, cap. Clerici 13. quæst. 2.* Read more thereof in *Duarenus de sac. Eccl. Minister. ac benef. cap. tertio, 12 Car. 2. cap. 11.*

Oblations of the Altar, Customary Offerings from the Parishioners to the Parish-Priest, which were Solemnly laid upon the Altar: Of which the Mass or Sacrament-Offerings were usually Three Pence at *Christmas*, Two Pence at *Easter*, and a Penny at two other principal Feasts. Under the same Title were comprehended all the accustomed Dues for *Sacramentalia*, or Christian Offices, which in the Vicarage of *Burcester*, about the Year 1212. were one Penny for a Burial, one Penny for a Marriage, one Penny for Churching a Woman. Among the Altar-Oblations were also reckon'd the little Sums paid for saying Masses and Prayers for the Souls of the deceased. See Mr. *Kennett's Glossary*.

Oblationes Funerales, The Soul-feat or Offering to expiate the omissions or defaults of the Party deceased in paying Tithes, or other Ecclesiastical dues, was at first an Oblation at the Funeral, which was often the best Horse of the defunct, led before the Corpse, and delivered at the Church-Gate or the Grave, for the use of the Parish-Priest. To this old Custom we owe the Original of Mortuaries, &c. If the Corpse of the deceased was carried from the Mother-Church to any other Place of Sepulture, the accustomed Offerings were due to the Parish-Priest where the Party died. — At the Burial of the Dead, it was a Custom for the surviving Friends to Offer liberally at the Altar, for the pious use of the Priest, and the good estate of the Soul deceased. The Reliques of this Custom do still obtain in *North-Wales*, where at the Rails, which decently defend the Communion-Table, there is a Tablet or flat Board conveniently fixt, to receive the Money, which at most Funerals is offered by the surviving Friends, according to their own Ability, and the Quality of the deceased: Which seems a Providential Augmentation to some of those poor Churches. See Mr. *Kennett's Glossary*.

Oblationes quatuor principales, The four chief or principal Offerings to the Parish-Priest, which were made in the Feast of *All-Saints*, *Christmas*, *Candlemas*, and *Easter*. — Ita tamen quod Sacramenta baptismi, sponfalium, purificationis, & quatuor principales Oblationes, videlicet in Festis omnium Sanctorum, Natalis Domini, Purificationis beate Mariæ, ac Pasche, ac mortuaria omnium & singulorum ibidem sepulturam eligentium cum omnibus oblationibus ratione funeris oblatis & Ecclesie debitis — integre reserventur — *Munimenta Hospitalis S. S. Trinitatis de Pontefracto.* MS. f. 51.

Obligation,

Obligation, Obligatio, Is a Bond containing a Penalty, with a Condition annexed, either for payment of Money, performance of Covenants, or the like, and so differs from a Bill that hath no Penalty nor Condition; and yet a Bill may be Obligatory. See *Co. on Lit. fol. 172.* and *West Symbol. part. 1. lib. 2. sect. 146.*

Obligor, Is he that enters into such an Obligation, and Oblige the Person to whom it is entred into. In the Saxons Time, Writings made firm with Golden Crosses, but the Normans put to them a Seal of Wax, and the Testimony of three or four Witnesses.

Obolata terre, In the Opinion of some contains half an Acre of Land, Others but half a Perch. *Thomasius* says, *Obolus terre* is ten foot in length, and five in breadth. See *Fardingdele* and *Spelman's Glossary* more at large upon this Word.

Obventiones, Obventiones, Offerings, 2. *Inst. fol. 661.* Also Rents or Revenues properly of Spiritual Livings, 12 *Car. 2. cap. 11.*

Occasio, Is, according to *Spelman*, taken for an Impediment in the Charter of Liberties of Henry the First, We have these Words, *Quoriam Regnum oppressum erat iniquis occasionibus & exactionibus*, and in *Chart. Forest. cap. 12. unusquisque liber homo de catero sine occasione faciat in bosco suo vel in terra sua — molendina, vivaria, &c.*

Occasionarii, To be fined or amerced, or made subject to Occasions, or Occasional Penalties. — *Non propter hoc occasionentur coram Domino Rege & Justitiariis quibuscunque, Statut. Anno 21 Edw. II. — Ita quod ipsi vigilatores non occasionentur, seu in aliquo graventur.* — *Fleta, lib. 1. cap. 24. § 7.*

Occasiones, (in some Authors corruptly written *Occasiones*) are *Assarts*, whereof *Mamwood* speaks at large; The word is derived ab *Occando*, i. e. Harrowing or breaking Clods: See *Spelman's Glossary, verbo Effartum.*

Occupant, If Tenant *par terme de auter vie* dies, living *Cestuy que vie*; he that first enters shall hold the Land, during that other Man's Life, and he is in Law called an *Occupant*, because his Title is by his first Occupation; and so if Tenant for his own Life, grant over his Estate to another, if the Grantee dies, there shall be an *Occupant*, *Co. on Lit. cap. 6. sect. 56.* and *Pulstrode's Rep. 2. par. fol. 11, 12.*

Occupatio, Occupatio, Signifies the putting a Man out of his Free-hold in time of War, and is all one with *Disseisin* in time of Peace, saving that it is not so dangerous. *Co. on Lit. fol. 249.* Also use or tenure, so we say, such Land is in the Tenure or Occupation of such a Man, that is, in his Possession. See *Terre Tenant.* Also Trade or Occupation, 12 *Car. 2. cap. 18.* But Occupations, in the *Stat. de bigamis, cap. 4.* are taken for Usurpations upon the King, and is when one Usurps upon the King, by using Liberties which he ought not. And as an unjust Entry upon the King into Lands or Tenements is an *Intrusion*, so an unlawful using of Franchises is a *Usurpation.* See 2. *Inst. fol. 270.*

Occupavit, Is a Writ that lyeth for him which is ejected out of his Land or Tenement in times of War, as a Writ of *Novel Disseisin* lies for one ejected in time of Peace, *Ingham, sect. Brief de Novel Disseisin.*

Octave, Octava, The eighth day following some peculiar Feasts. See *Ulas.*

Octo tales. See *Tales.* See *Bro. tit. Octo tales.*

Odio & atia, Is an old Writ mentioned in the Statute of *Westm. 1. made 3 E. 1. cap. 11.* And it was directed to the Sheriff, to enquire whether a Man committed to Prison upon Suspicion of Murder, be committed upon just Cause of Suspicion, or only

upon Malice, *Register, fol. 133. Brañon, lib. 3. part. 2. cap. 20.* And if upon Inquisition it were found, That he was not Guilty, then there came another Writ to the Sheriff to bail him. But now that course is taken away by the Statute of 28 E. 3. cap. 9. as appears in *Stamford, Pl. Cor. fol. 77.* and *Co. lib. 9. fol. 56.* and *Spelman, verbo Atia.*

Oeconomus, This word was used for the Executor of a Last Will and Testament, as the Person who had the Oeconomy or fiduciary disposal of the Goods of the Party deceased. — *Per testamentum suum constituerat — ut Oeconomicus illius Dominus Georgius Winter testamentum suum violavit.* *Hist. Dunelm. apud Whartoni Angl. Sacr. Part 1. p. 784.*

Offertorium, A piece of Silk or fine Linnen, to receive and wrap up the Offerings or Occasional Oblations in the Church. Hence in the Statutes of the Church of St. Paul in London, it was ordained, *Ut Sacrista curet quod corporalia, pallia, vestimenta, Offertoria, & absterforia munda sint integra & nitida.* — *Ex libro Statut. Eccl. S. Pauli, Lond. MS. f. 39. b.*

Officium, Officium, Doth signifie not only that Function, by vertue whereof a Man hath some Employment in the Affairs of another, as of the King, or of another common Person; but also an Inquisition made to the King's Use of any thing by vertue of his Office who enquireth. And therefore we oftentimes read of an Office found, which is nothing else but such a thing found by Inquisition made *ex Officio.* And in this sense it is used, 33 H. 8. 20. and in *Stamf. Prærog. fol. 6, 51.* where to traverse an Office, is to traverse the Inquisition taken of an Office, and in *Kitchin, fol. 177.* To return an Office, is to return that which is found by vertue of the Office. See also the *New Book of Entries, tit. Office pur le Roy*, and this is by a Metonymy of the Effect. And there be two sorts of Offices in this signification issuing out of the Exchequer by Commission, viz. An Office to entitle the King to the thing enquired of, and an Office of Instruction, for which see *Co. 6. Rep. fol. 52. Page's Case.* Office in Fee, is that which a Man hath to himself and his Heirs, 13 E. 1. cap. 25. *Kitch. fol. 152.* See *Clerk.*

Overhynch, and Overhynchia, In the Council holden at Winchester, in the time of Archbishop *Lanfranc, Anno 1076.* we read, *Si autem post excommunicationem & satisfactionem venerint forisfacturam suam quæ Anglice vocatur Overhynch sue Causille pro unaquaque vocatione Episcopo suo reddant.* See *Gloss. in 10. Scriptur. verbo Overberneffa.*

Official, Officialis, Is a Word very diversly used; for sundry Civilians of other Countries, that write in these Days, apply it to such as have the sway of Temporal Justice, *Egidius Bossus in præf. crim. tit. De Officialibus corruptis, &c.* But by the ancienter Civil Law it signifies him that is the Minister or Apparitor of a Magistrate or Judge, *lib. 1. sect. si quis ultro.* In the Canon Law, it is especially taken for him to whom any Bishop doth generally commit the Charge of his Spiritual Jurisdiction, and in this Sense one in every Diocess is *Officialis Principalis*, whom the Statutes and Laws of this Kingdom call *Chancellor*, 32 H. 8. 15. The rest, if they be more, are by the Cannon Law called *Officiales Foranei*, *Gloss. in Clem. 2. de Rescriptis*, but with us termed *Commissaries, Commissarii*, or sometimes *Commissarii Foranei.* The difference of these two Powers you may read in *Linwood, tit. De sequestra possess. cap. 1. verbo Officialis.* But this Word *Official* in our Statutes and Common Law, signifies him whom the Arch-Deacon substituteth in the executing of his Jurisdiction, as appears by the said Statute.

Officiatilis non facendis vel amovendis, Is a Writ directed to the Magistrates of a Corporation, willing

them not to make such a Man an Officer, and to put him out of the Office he hath, until Enquiry be made of his Manners, according to an Inquisition formerly Ordained, *Reg. Orig. fol. 126.*

¶ *Officium Curatagii Pannorum*, Granted to Will. Osborne, *Extratt. Pin. Camcl. 2 E. 2. m. 18.*

Ofgangfordell, *Spelman* thinks it should rather be read *Ofgang for Ordal*, i. *transitus ad ordalium*. *Eantque (rei) ad triplex judicium quod Angli Ofgangfordell Vocant.* *Constit. Canuti Reg. de Foresta, cap. 11.*

Oleron Laws, Are so called, because made when King Richard the First was there, and have respect to Maritime Affairs, *Co. on Lit. fol. 260.* This Oleron is an Island in the Bay of Aquitaine, at the Mouth of the River Charent, now belonging to the French King. See *Selden's Mare clausum*, fol. 222. & 254. and *Pryn's Animadversions on Co. 4. Inst. fol. 126.*

¶ *Ollata cerevisiæ*, A Pot or Flaggon of Ale or Beer. — *Et si brasient ad vendendum, dabit pro quolibet bracio unum denarium, vel ollatam cerevisiæ, tanti pretii pro soluto.* — *Consuetud. Domus de Farendon. MS. f. 9.*

Olympiad, *Olympias*, The space of five years: *Ethelred*, King of the English Saxons, reckoned his Reign by *Olympiads*, as appears by a certain Charter of his, having these Words, *Consentiens (inquit) signo sanctæ Crucis subscripsi in Olympiade 4. Regni mei.* And this, by Contemporary Writers, seems to have been the sixteenth Year of his Reign, and the Year of our Lord 994. or thereabouts, *Spelman.*

Orando pro rata portione, Is a Writ that lies for a Joynt-Tenant, or Tenant in Common, that is distrained for more Rent than his Proportion of the Land cometh to, *Reg. Orig. fol. 182.*

Onus importandi, The Charge of Importing, mentioned 12 Car. 2. Art. 28.

Onus probandi, The burden of proving, spoken of, 14 Car. 2. cap. 11.

Open Law, *Lex manifesta seu apparens*, Is making Law, which by *Magna Charta*, cap. 28. Bayliffs may not put Men unto upon their own bare Assertions, except they have Witnesses to prove the truth thereof. See *Law.*

Opentheof, Open Thef, That is, open Theft, *Quædam placita vel crimina emendari non possunt quæ sunt Husbrech, Bernet, Open Thef, Eberemord and Lafordwick, Leg. Hen. 1. cap. 13. Hoc in emendationibus Williel. pri. Ran. dicitur, fatis Spelman.*

¶ *Operarii*, In Ancient Surveys and Accounts of Manors, we meet often with those Tenants which were called *Operarii*; they were those who had some little portions of Land by the Duty of performing many bodily Labours, and other Servile Works for their Lord, and were no other than the *Servi*, *Natives*, and *Bond-men*.

¶ *Operatio*, One day's Work performed by any inferior Tenant to the Lord. — *Homines de Hedingdon facient Hugoni & heredibus suis pro qualibet virgata terra sexdecim Operationes videlicet uno die inter Festum, &c. Paroch. Antiq. p. 320.*

¶ *Operti Canes*, Dogs with whole Feet not lawed. — *Et debent habere Canes Opertias (seu Operas) ex omni genere Canum, & non impediatur.* *Custumar. de Sutton Colfield.*

¶ *Option*, When a new Suffragan-Bishop is Consecrated, the Archbishop of the Province, by a Customary Prerogative, does claim the collation of the first vacant Dignity or Benefice in that See, at his own choice, which is therefore called the Archbishop's *Option*.

Ors, Was a sort of Saxon Money, of the value of Sixteen Pence; 'tis often mentioned in *Doomsday*, 15 Ors libram faciunt, say some. In the Laws

of *Edward the Confessor*, cap. 12. *Manbote in Denelaga de Villano & Sokenan 12. Oras, de liberis autem hominibus 3 marcas*; you may read of it in *Doomsday* in *Landgale*, and in the same Book, *Linc. In Standford*, T. R. E. 12. *Lagemanni qui habent infra domos suas Sacam & Socam, & super homines suos præter Geld & Heriete & forisfacturam corporum suorum de 40 Oris argenti, &c.* See more of this in *Spelman.*

¶ *Orando pro Rege & Regno*, Before the Reformation, while there was no standing Collect for a sitting Parliament, as soon as the Houses were met, they petitioned the King that he would require the Bishops and Clergy to pray for the Peace and good Government of the Realm, and for a Continuance of the good Understanding 'twixt His Majesty and the Estates of his Kingdom. And accordingly the Writ *De Orando pro Rege & Regno* was common in *Edward* the Third's time. Mr. *Nicholson's Engl. Histor. Libr. Part III. p. 66.*

¶ *Orarium*, The hem or border of a Garment. — *Ricardus de Bury Episcopus Dunelm dedit Ecclesiæ suæ vestimentum de nigra camica cum tribus capis ejusdem felle cum largis Orariis decenter ornatis.* *Hist. Dunelm. apud Wharton Angl. Sacr. Part I. p. 766.*

Orbis, *Anglice*, A Wonne; A swelling or knot in the Flesh caused by a Blow, *Bract. lib. 3. tit. De Corona, cap. 23. num. 2.* — *Arma molita plagam faciunt, sicut gradus, bisacuta & hujusmodi; Ligna vero & lapides faciunt Brufuras, Orbes & illius, qui judicari non possunt ad plagam.*

Orchel, Anno 1 R. 3. cap. 8. *Orchall*, 24 H. 8. cap. 2. and 3 & 4 E. 6. cap. 2. seems to be all one with *Corke*.

Ordesse or Ordesse, *Effossio metalli*, Is a Word derived from the Saxon *Ort Metallum*, and *Ordan effodere*, and often used in Charters of Privileges, being taken for a Liberty, whereby a Man claims the Ore found in his own Ground, but properly is the Ore lying under ground: As also a Delfe of Coal is Coal lying in Veins under ground, before it is digged up.

Ordel, *Ordalium*, Is a Saxon Word, compounded of *Or*, *magnum*, and *deal*, alias *dele*, *Judicium*, or as others, from *Or*, which in that Language is *privative*, and *del*, part, that is, *expers criminis*, or not Guilty; but is used for a kind of Purgation practiced in Ancient Times, and in the Canon Law called *Purgatio vulgaris*. There were of this two sorts, one by Fire, another by Water. Of these see Mr. *Lambard* in his *Explication of Saxon Words*, verbo *Ordalium*: Of this you may read likewise *Holinshed*, fol. 98. and *Hotoman* especially *Disput. de Feud. cap. 41.* where of five Kinds of Proofs, which he calleth *Feudales probationes*, he maketh this the fourth, calling it *Explorationem & hujus furiosæ probationis 6. genera fuisse animadvertit, viz. per flammam, per aquam, per ferrum candens, per aquam vel gelidam vel ferventem, per sortes & per corpus Domini*, of all which he alledgeth several Examples out of History, very worthy the reading. See *Skener* de verb. *Significat. verbo Machanum*. This seems to have been in use in *Henry* the Second's Time, as appeareth by *Glamile*, lib. 14. cap. 1. 2. See also *Verslegan*, cap. 3. pag. 63, &c. See also *Hoveden* 556. This *Ordalium* Law was condemned by Pope *Stephen* the Second, and afterwards here totally abolished by Parliament, as appears by *Rot. Paten. de Anno 3 Hen. 3. Membr. 5.* See *Spelman* at large upon this Subject, verbo *Ordalium*, *Co. lib. 9. de strata Marcella*, and the *Saxon Dictionary*. See *Fire-Ordale*, and *Water-Ordale*.

Ordinance of the Forest, *Ordinatio Forestæ*, Is a Statute made touching *Forest* Causes in the thirty fourth Year of *Edw. 1.* See *Affise*.

Ordinance of Parliament. The same with *Act of Parliament*. And Acts of Parliament are called Ordinances of Parliament often in the Parliament-Rolls. If there be any difference, it is, that an Ordinance is but Temporary, and to be altered by the Commons alone. But an Act is a perpetual Law, and cannot be altered but by King, Lords, and Commons. See *Par. Roll.* 37 E. 3. num. 38. *Pryn's Animadver.* in 4. *Inst.* 13. Yet the Oracle of the Law, Sir *Edw. Coke*, does with many Citations assert, That an Ordinance of Parliament is to be distinguished from an Act for as much as the latter can be only made by the King and a three-fold Consent of the Estates, whereas the former is ordain'd with one or two of them.

Ordinary, Ordinarius, Is a Civil Law-Term, and there signifies any Judge that hath Authority to take Cognisance of Causes in his own Right, as he is a Magistrate, and not by Deputation; but in the Common Law, it is taken for him that hath exempt and immediate Jurisdiction in Causes Ecclesiastical, as appears in *Co. lib.* 9. fol. 36. *Henslow's Case*. And the Statute of *Westm.* 2. cap. 19. 31 E. 3. cap. 11. and 21 H. 8. cap. 5. Co. 2. *Inst.* cap. 19. See *Broke, loc. cit.* and *Linwood* in cap. *Exterior. tit. De constitutionibus*, verbo *Ordinarii*, saith, *Ordinarius habet locum principaliter in Episcopo, & aliis superioribus, qui soli sunt universales in suis jurisdictionibus, sed sub eo sunt alii ordinarii, his viz. quibus competit Jurisdictio ordinaria de jure, privilegio, vel consuetudine, &c.*

Ordinatione contra servientes. Is a Writ that lyeth against a Seavant, for leaving his Master against the Statute, *Reg. Orig.* fol. 189.

Ordinals. A general Chapter, or other Solemn Convention of the Religious of such a particular Order. — *Et in solutis Fratibus Roberto Lawton & Willielmo Meriton pro suis expensis versus ordines existentes apud Hygham Ferres ante Festum S. Michaelis hoc anno vij. Sol.* *Paroch. Antiquit.* p. 576.

Ordines maiores & minores. The Holy Orders of Priest, Deacon, and Sub-Deacon, any of which did qualifie for Presentation and Admission to an Ecclesiastical Dignity or Cure, were called *Ordines maiores*, and the inferior Orders of Chantor, Psalmist, Ofsiary, Reader, Exorcist, and Acolite, were called *Ordines minores*: For which the Persons so ordained had their *Prima Tonsura* different from the *Tonsura Clericalis*.

Ordinum fugitivi. Those of the Religious who deserted their Houses, threw off their Habit, and so renounc'd their particular Order, in contempt of their Oath and other Obligations. The favouring and protecting such Fugitives was charged on *Thomas, Earl of Lancaster* — *Ordinum fugitivos, legisque transgressores, ne lege plecterentur, pertinaciter favere.* — *Paroch. Antiquit.* p. 388.

Ordles. Oaths and Ordles was part of the Privileges and Immunities granted in Old Charters, meaning the Right of Administring Oaths, and adjudging Ordeal Tryals within such a Precinct or Liberty. — *Abbas & Conventus Glaston. per omnes terras suas habent focum & focum, hundred setene, Othes & Ordles, calde hydes, &c.* *Chartular. Abbat. Glaston.* MS. f. 87. 2.

Ordle. In the Charter of *Henry the First* to the Church of *St. Peter*, in *York* — *Decanus & Capitulum habeant curiam suam & justitiam cum focco & sacca Thol & Theam & Infangentheof, & Ufngentheof, Flemenesrieth, Ordel, & Orest infra tempus & extra cum omnibus aliis immunitatibus, &c.* MS.

Ordum, Horveum, A Barn. — *Et unum Mesfugium ad Orea sua facienda,* 2 Vol. *Dug. Monast.* 265. a.

Orfild alias Cheappeld, Is a Saxon Word, compounded of *Orf*, pecus, and *Gild*, solutio, and signifies a Payment, or restoring of Cattel. But *Lamb.* in his *Archaion*, pag. 125, 126. says, 'Tis a restitution made by the Hundred or County, of any wrong done by one that was in *Plegio*.

Orfrayes, Aurifrisum, A sort of Cloth of Gold made and used in *England*, both before and since the Conquest, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King Commands the *Templers* to deliver such Jewels, Garments, and Ornaments, as they had of his in keeping, among which he names *Delmaticum velatum de Orefreis*, that is, a Garment guarded with *Orfrayes*; And of old, the Coat Armors of the King's Guard were also termed *Orfrayes*, because adorned with Goldsmiths work.

Orgallons. But more truly *Orguillous*, that is, proud and high minded; derived from the French *Orgueil*, i. *Pride*.

Orgers, 31 E. 2. Stat. 3. cap. 3. Is the greatest fort of North-Sea-fish, which we now call *Organ-Ling*, corruptly from *Orkney-Ling*, because the best are near that Island.

Orgild, Sine solutione, sine compensatione, Spelman.

Orginalia. In the Treasurers Remembrancers Office, in the Exchequer, are Records or Transcripts sent thither out of the Chancery, and are distinguished from *Recorda*, which contains the Judgments and Pleadings in Suits tryed before the Barons of that Court.

Orgilagium, Horologium, a Dial. In *compositis Ecclesie S. Paulinae, London.* — *Custodi Orgilagi per annum 1. Marc.* — *Ex Libro Statut. Eccl. London.* MS.

Orgitell, Is a word used in the Book termed *Pupilla oculi*, cap. *De Chart. Forest.* part 5. cap. 22. and signifies the Claws of a Dog's foot, being taken from the French *Orteils des pieds*, i. *digiti pedum*, the Toes.

Orgilagium — *Pro uno Orgilagio & Nona garba totius Lucrationis de Domino de B. Dug. Monast.* 1 Garden-plot.

Orgyal, Oriolum. — *Ordinatio pro victu Fratris Johannis Afsheli dudum Prioris de Daventre facta 22. Octob. 1420.* — *Habeat cameram quandam in eodem Prioratu vulgariter appellatam ly Orgyal* — *Et habeat annuatim 40 Sol.* — *Collectan. Matth. Hutton, S.T.P. Ex Registris Ric. Flemmyng, Ep. Linc.* MS. — *Adjacet atrium nobilissimum, quod porticus vel Oriolum appellatur.* *Mat. Par. in vitis Abb. S. Albani.* We may justly presume that *Oriel* or *Oryal* College in *Oxford* took Name from some such Room, or Portico, or Cloister.

Ormonds, 32 H. 8. 14. Is that Ore of which Iron is made, and it seems was anciently brought into *England*.

Orswald's Lath, By which was meant the ejecting Marrying Priests, and introducing Monks into Churches by *Orswald*, Bishop of *Worcester*, Anno 964. There is an Ancient Hundred in the same County, *Orswald* having obtained it of King *Edgar* to be given to *St. Mary's* Church of *Worcester*. It comprehends 200 Hides of Land, and is exempt from the Sheriff's Jurisdiction, *Lamb. Brit.* Also see *Lieger Book* of *Worcester* in *Cotton Library*.

Oath of the King, Juramentum Regis, Is that which the King taketh at his Coronation, mentioned by *Bracton*, and divers others.

Oath of the King's Justices, Is the Oath they take at the entrance into their Office, mentioned Anno 18 *Edw.* 3. stat. 4.

Orho, Was a Deacon-Cardinal of St. Nicholas, in *carcere Tulliano*, a Legate for the Pope here in England, 22 H. 3. whose Constitutions we have at this day, *Stowe's Annals*, pag. 303.

Orthobonus, Was a Deacon-Cardinal of St. Adrian, and the Pope's Legate here in England, 15 H. 3. as appeareth by the Award made betwixt the said King and his Commons at *Kennelworth*; his Constitutions we have at this day in use.

Outh, 24 H. 8. 13. A kind of Collar of Gold, worn by Women about their Necks. It is sometimes also used for a Bos or Button of Gold set with some rich Stone.

Owely of Services, Is equality of Services, as when the Tenant Paravail owes as much to the Mesne, as the Mesne does to the Lord Paramount, *F. N. B. fol. 36. See Owely of Partition, Co. on Lit. fol. 169.*

Overtred, Prov'd Guilty or Convict. The word occurs in the Laws of *Edward Sen. in Crompton*, cap. 4. p. 836.

Overtrespass, This seems to have been anciently a Fine (before the Statute of *Hue-and-Cry*) laid upon those, who hearing of a Murder or Robbery, did not pursue the Malefactor, 3. *Inst. fol. 116.* and to be the same, which is elsewhere written *Overtrespass* and *Overtrespasser*. *Si quis furti obtraverit & sine vociferatione eum dimiserit, emendet secundum Veram ipsius furis vel plena lada se allegier, quod cum eo falsum nesciat; siquis auditu clamore supersedit, reddit Overtrespassa Regis, &c.*

Overt act, *Factum apertum*, An open act, *Co. 3. Inst. fol. 12.* which must be manifestly proved.

Overt word, An open plain Speech, derived from the French *Ouvvert*, open, Anno 1. *Mar. Sess. 2. cap. 3.*

Ourlap, The *Leirwite* or Fine paid to the Lord by the inferior Tenant, when his Daughter was corrupted or debauch'd. — *Nativi in villa de Wridthorp — solvit quilibet pro filiabus suis maritandis gerson Domino, & Ourlop pro filiabus correptis, & Stoth & alia servitia & auxilium.* *Petr. Bles. Contin. Hist. Croyland*, p. 115.

Ousted, Derived from the French *Oster*, to remove, as *ousted* of the Possession, that is, removed or put out of Possession, *Mich. 9. Car. 1. Cro. 3. Rep. fol. 349. Porce's Case.*

Ouster le maine, *Amovere manum*, Signifies to take off the hand, though in true French it should be *Ouster la main*; In a Legal sense, it denotes a Judgment given for him that traversed or sued a *Monstrans le droit*, and is indeed a delivery of Lands out of the King's hands; for when it appeareth upon the matter discussed, that the King hath no Right or Title to the thing seized, then Judgment shall be given in the Chancery, That the King's hands be removed, and thereupon an *Amoveas manum* shall be awarded to the Escheator, which is as much as if the Judgment were given, that he shall have again his Land, *Stamf. Prag. cap. 24. See 28 E. 1. Stat. 3. cap. 19.* It was also taken for the Writ granted upon this Petition, *F. N. B. fol. 256.* It is written *Oter le maine*, 25 H. 8. 22. But now all Wardships, Liveries, Primer-seisins, and *Ouster le mains*, &c. are taken away and discharged by 12 *Car. 2. cap. 24.*

Ouster le mer, *Ultra mare*, Is a cause of excuse or essoine, if a Man appear not in Court upon Summons. See *Essoine*.

Ousangthef, Is thus defined by *Bracton*, lib. 3. *traff. 2. cap. 34. Ousangthef dicitur latro extraneus veniens aliunde de terra aliena & qui capus fuit in terra ipsius qui tales habet libertates*; But *Brillon* hath it otherwise, *fol. 91.* It is a Compound of three Saxon words, *viz. Out, extra; Fang, capio vel captus; and Thef, i. fur.* It is used in the Common Law for a

Liberty or Privilege, whereby a Lord is enabled to call any Man dwelling within his own Fee, and taken for Felony in any other Place, and to Judge him in his own Court, *Rastall's Exposition of words*, and 1 & 2 *P. & M. cap. 15.*

Outland. The Saxon *Thanes* divided their *Bocland* or Hereditary Estate into *Inland*, such as lay nearest to their own Dwelling, and which they conveniently kept to their own use: And *Outland*, which lay beyond, or out from among the *Inlands* or *Demains*: And was granted out to any Tenant hereditarily, but (like our Copy-holds of Ancient Time, which had their Original from hence) merely at the pleasure of the Lord. This *Outland* they subdivided into two Parts, whereof one part they disposed among such as attended on their Persons, either in War or Peace, called *Theodens* or lesser *Thanes*. The other part they allotted to their Husbandmen, whom they termed *Coerls* (i. e. *Carles* or *Charles*.) Vide *Spelman of Feuds*, cap. 5.

Outlawd, *Utlagatus*, One deprived of the benefit of the Law, and out of the King's Protection, *Metu, lib. 1. cap. 47.* calls him *Bannitum extra legem*, and *Bracton*, lib. 3. *traff. 21. cap. 11. num. 1. & 3.* says, *Forisfacti utlagatus omnia que panis sunt quia a tempore quo utlagatus est caput gerit Lupinum ita quod ab omnibus interpei possit & impune; maxime si se defenderit vel sugerit ita quod difficilis sit ejus captio*: But in the Reign of *Edward the Third*, all the Judges agreed, That none but the Sheriff only, having Lawful Warrant therefore, should put to Death any Man outlawed, *Co. on Lit. fol. 128.* See *Utlaw*, and *Capias utlagatum*.

Outlawry, *Utlagaria*, Is the loss of the benefit of a Subject, that is, of the King's Protection. See *Utlawry*.

Outparters, A kind of Thieves in *Riddesdale*, that stole Cattel, or other things without that Liberty: Some are of Opinion, That those which in the forenamed Statute are termed *Outparters*, are now called *Outputers*, being such as set Matches for the Robbing any Man or House. See *Intakers*.

Outriders, Are Bayliffs Errant, Employed by the Sheriffs, or their Deputies, to ride to the farthest places of their Counties or Hundreds, with the more speed to Summon such as they thought good to their County or Hundred Courts, 14 *E. 3. Stat. 1. cap. 9.*

Owdel. See *Ordeal*.

Owely, Is, when there is Lord, Mesne, and Tenant, and the Tenant holds of the Mesne by the same Service that the Mesne holds over of the Lord above him; this is called *Owely of Services*. See *Owely*.

Oxgange of Land, *Bovata terra*, Six Oxganges of Land, is so much as six Oxen can Plough, *Crompt. Jur. fol. 220.* But an Oxgange seemeth properly to be spoken of such Land as lyeth in *Gaynour*, *Old Nat. Brev. fol. 117.* *Skene* de verb. *Signif. verbo Bovata terra*, saith, That an Oxengate of Land should always contain thirteen Acres, and that four Oxengates extend to a pound Land. *Spelman* says, *Bovatus terra est quantum sufficit ad iter vel alium unius bovis. Ox enim est bos & gang vel gate, iter.* See *Co. on Lit. fol. 69.*

Oyer and Terminer, *Audiendo & terminando*, In true French, *Ovir & Terminer*, Is a Commission especially granted to some eminent Persons, for the hearing and determining one or more Causes: This formerly was used only upon some sudden Outrage or Insurrection in any place, *Crompt. Jur. fol. 131, 132. Westm. 2. cap. 29. 13 E. 1.* by which you may see who might grant this Commission, and for the form thereof, and to whom it may be granted, *F. N. B. fol. 100.* and *Broke*, *hoo tit.* A Commission of *Oyer and Terminer*

Terminer is the first and largest of the five Commissions by which our Judges of Assize do sit in their several Circuits.

Oyer de Record, *Audire recordum*, Is a Petition made in Court, that the Judges, for better Proofs-like, will be pleased to hear or look upon any Record. So when an Action is brought upon an Obligation, the Defendant may pray *Oyer* of the Bond; or if Executors sue any one, the Party sued may demand *Oyer* of the Testament. See *Monstrans de faits*.

† *Oyer*, Seems to have been anciently used for what we now call Assizes. — *Come Hawisse de Veer Moy impleda devant Justices en le Oyer de Chelmesford par un brief de Novel Disseisin*, &c. Anno 13 E. 1. See *Affize de Novel Disseisin*.

† *Oyes*, Corrupted from the French *Oyez*, i. *Audite*, Hear ye, Is known to be used by our Cryers, as well in Courts as elsewhere, when they make Proclamation of any thing.

P.

Paagium, *Mar. Paris*, fol. 767. *Fecit equos meos & homines restare donec Paagium extorssisset*. Spelman thinks it should be read *Passagium* sive *telenium exaltum pro transitu*, &c.

† *Pacabilis*, Payable, passable. — *Johannes de Elvlee*, Prior de Kirkham habet unum *Palfidum* & unum *summarium* pro se, ad quorum prebendam recipiet duodecim quarteria bone & *pacabilis averie*, & sufficientem equitaturam pro Capellano suo. xi. Kal. Jun. 1310. Ex Regist. Grenfeld, Archiep. Ebor. MS.

† *Pacart*, To pay. As *tolnetum pacave*, to pay Toll. *Mon. Angl. Tom. I. p. 384*. Hence *Pacatio*, Payment. — *Pannos sericos & alia rapit sine pacationis retributione*. *Mat. Paris* sub Anno 1248.

Pack of *Wool*, Is a Horse-load, which consists of seventeen Stone and two pound, *Fleta*, lib. 2. cap. 12. See *Surplar*.

Packers, Are those that barrel, or pack up Herrings, and they are sworn to do it according to the Statute made 15 Car. 2. cap. 14.

Packing whites, A kind of Cloth so called, mentioned 1 R. 3. cap. 8.

Pacification, *Pacificatio*, A making of Peace, spoken of 17 Car. 1. cap. 17. relating to the Wars between England and Scotland, Anno 1638.

Padrage, *Idem* quod *Pannagium*. Vide *Chartam Regis Hen. 1. Ecclesie S. Martini de Bello*.

Paguments, A Frize Cloth, mentioned in the Journal-Book of the House of Lords, in a Statute made 1 Eliz. not printed.

Paine fort & dure, *Pana fortis & dura*, It signifies an especial Punishment for those that being Arraigned of Felony, refuse to put themselves upon the ordinary Tryal of God and the Country, and thereby are mute by the Interpretation of the Law. *Britton* mentions it in his fourth Chapter, fol. 11. And *Stamford* in his Pleas of the Crown, founding it upon the Statute of *Wellm. 1. cap. 12.* describes it thus:

HE shall be sent back to the Prison whence he came, and laid in some low dark House, where he shall lye naked on the Earth, without any Litter, Rushes, or other Clothing, and without any Rayment about him, but only something to cover his Privy Members: And he shall lye upon his back with his Head covered and his Feet, and one Arm shall be drawn to one quarter of the House with a Cord, and the other Arm to another quarter, and in the same manner let it be done with his Legs; and

let there be laid upon his Body Iron and Stone as much as he may bear, or more; and the next day following he shall have three morsels of Barley-bread without drink, and the second day he shall have drink three times, as much at each time as he can drink of the Water next unto the Prison, except it be Running-water, without any Bread: And this shall be his Dyet till he die.

This kind of Punishment, called by the Law *Paine fort et dur*, is that which we vulgarly call *Pressing* to Death.

Pais, A Country or Region; *Triall per Pais*, which Spelman in his Glossary saith, *Non intelligendum est de quorvis populo, sed de compagensibus, hoc est eorum qui ex eadem sunt comitatu, quem majores nostri pagum dixerunt & incolas, inde pais*.

† *Paisso*, *Pasnage*, or Liberty for Hogs to run in Forests or Woods to feed on Mast. — In *Acheleia* 30 Acres terra, & *paissonem* centum porcorum, & communem *paissonem*, &c. *Mon. Angl. Tom. I. p. 682*. See *Pessuna*.

Palatine. See *County-Palatine*, and read *Cassan. de consuetud. Burg.* pag. 14.

† *Palfrey*, *Palsfredus*, *Palsfredus*, *Palefredus*, *Palfredus*, Is one of the better sort of Horses used by Noble-men or others for State: And sometimes of old taken for a Horse fit for a Woman to ride. *Camden* says, That *W. Fauconberge* held the Mannor of *Cukney* in the County of Nottingham, in Sergeanty, by the Service of shoeing the King's *Palfrey*, when the King shall come to *Mansfeld*. See *Co. on Lit.* fol. 149.

Palfrey Silver, *Custumam* *itidem* (speaking of *Belvoir Castle*) *vacant* *Palfrey silver*, *que levare debet annuatim de villis de Batelesford, Normanton, Herdeby, &c. Escaet.* 23 E. 3. *Post mortem Gul. de Roos de Hamlake*.

Pallingman, 11 H. 7. 22. This word is mentioned both by *Cowel* and *Spelman*, and by both left without Interpretation; but by the sense of the Statute it seems to be a Merchant Denizen, one born in England.

† *Palla*, A Canopy. — *Custodibus vero quinque portuum pallum super Regem cum quatuor hastis supportantibus*. *Mat. Par.* sub Anno 1236. The word was oft taken for an Altar-cloth, as — *Henricus Abbas Glaston. temp. Hen. 1. dedit Ecclesie istius ornamenta satis pretiosa videl. paltus ix. optimas quarum quadam erant de diaspre, quadam de samito*. *Chartular. Glaston.* MS. f. 12.

† *Pallicia*, *Pales*, or *paled Fence*. — *Firmarii manerorum Ecclesie S. Pauli, London, curare tenentur ut muneria sufficienter circumclaudantur vel ambiantur muro vel saltem fossatis & hagiis vivis si fieri possit alioquin sepibus vel palliciis oportere renovandis*. *Statut. Eccl. Paul. Lond.* MS. f. 44. b.

Palls, *Pallia*, 25 H. 8. 20. Are Vestures made of Lambs-wooll, in breadth not exceeding three Fingers, and having two Labels hanging down before and behind, which the Pope gives or sends to Archbishops and Metropolitans, who wear them about their Necks, at the Altar, above their Ornaments. The *Pall* was first given to the Bishop of *Ostia*, by Pope *Marcus* the Second, Anno 336. And the Preface, an ancient Synod here in England, wherein *Odo* Archbishop of *Canterbury* presided, begins thus, — *Ego Odo humilis & extremus, divina largiente clementia, almi Praejudis & Pallii honore ditatus*, &c. *Selden's History of Tythes*, pag. 17. See more of this in *Spelman's Glossary*, verbo *Pallium*.

✠ *Palmare Hordeum*. — *H. Prior Ecclesie Christi Cant. & Conventus dimiserunt Alano de Pandberd molendinum in Rokinge — reddendo inde per annum de feodi suma sex sionnus ordeii palmaris pretii melioris ordeii exceptis duobus denariis — dat. Anno 1287. Reg. Eccl. Christi Cant. MS.* This Palm-Barley is the Sprat-Barley, called in some Parts Beer-Barley, in others Battled-Barley, and in the Marches of Wales, Cymridge; it is fuller and broader than common Barley.

Palmata alias *Palmada*, A blow upon the hand with a Ferula, a thing frequently used in Schools. *Beda de remedio peccatorum, cap. 14. Si quis intinzerit manum in aliquo cibo & non idonea manu centum Palmatis emendetur.*

Palmer, Are such as used to go in Pilgrimage out of Devotion; but of late time, he that can deceitfully cozen at Cards or Dice, by keeping some of them in his hand unseen, we call a *Palmer*.

✠ *Palmetry*, (1 P. & M. cap. 4.) A kind of Divination, practised by looking upon the Lines and Marks of the Fingers and Hands. This was practised by the Egyptians.

Panagia, *Quasi panis* 210, Holy Bread, *Reg. Eccles. Hereford differentias referens Orientalis Eccles. a Romana, Artic. 10. Item (dicunt Græci) panem nostrum Panagium.*

Pandoxatrix, In a Manuscript Book concerning the Laws, Statutes, and Customs of the free Borough of Mountgomery, from the times of Hen. 2. fol. 12. b. We read these words, *Item utitur de Pandoxatricibus, quod nemo potest brasiare sive Pandoxare in Villa & Burgo nostro nisi per redemptionem aliquam factam ad voluntatem Comburgensium nostrorum & si talis Pandoxatrix brasiaverit & assiam Domini nostri Regis in Burgo & villa positam & proclamatum frerit, debet capi per Ballivos, amercari ad voluntatem Ballivorum nostrorum & non per pares suos primo & secundo & si tertia vice Assiam frerit debet capi per Ballivos capitales & publice duci ad locum ubi situatur le Gogingstole, & ibi debet eligere unum de duobus, viz. an Velit le Gogingstole ascendere, an illud iudicium redimere ad voluntatem Ballivorum.* In the Dictionary *Pandox* is made to signifie a Drunkard, and *Pandoxatorium* a Brew-house; but in this place it seems to signifie an Ale-wife that both brews and sells Ale and Beer.

✠ *Pandocandro*, *Concessi etiam ei cum cacubo suo proprio Pandoxare & Lotrandu ubique poterit. Carta Walteri Muchegros sine Dat. 1. Liberty to Brew and Wash in his own Kettle.*

Panell, *Panella* vel *Panellum*, so written both by *Fortescue* in his Book de *Laudibus legum, Ang. cap. 25. and Co. on Lit. pag. 158.* who says, It denotes a little Part. But the learned *Spelman* in his *Glossary* says, *Hoc est minus congruè: It properly signifying Scheda vel pagina, or rather Pagella, a Schedule or Page; and thence deduced g in n transiente, sic veteres quidam Manifestat pro Magnificat.* Hence comes the Law term *Impannellare*, to impanel; and to impanel a Jury, that is, to write in a Schedule or Roll the Names of such Jurors as the Sheriff returns to pass upon any Tryal, *Reg. Orig. fol. 266.* So we say, a *Panel* of Parchment, and the Counterpane of an Indenture. See 8 H. 6. cap. 12. and *Spelman*, verbo *Panella*.

✠ *Panetia*, A Pantry, or Place to set up cold Victuals. *Custos braci clavos Panetiar & celaris penes se custodiat & liberationes supervideat — Ex Registro Statutorum & consuetud. Eccl. D. Pauli London. MS. f. 40.*

✠ *Panis vocat, Blackwhythlof*, Bread of a middle sort, between white and brown, such as in Kent is

called *Ravel-bread*. *Nos Willielmus Prior Elyen. & Capitulum — concessimus Alicie Appiltone de Ely coridiam corrodium infra scriptam. videl. unum panem vocat. Blakwhythlof per diem & unum mensuram cervisia melioris conventus, &c. Dat. 18. Apr. 1411. — Ex Cartular. Eccl. Elyen. penes Joh. Episc. Norwic. MS. f. 39. b.* This was their courser Bread, made for ordinary Guests, and distinguished from their *Houshold-loaf*, or *Panis Conventualis*, which was pure *Manchet*, or White Bread. See *Karite*.

✠ *Panis militaris*, Hard Bisket, brown George Camp Bread, coarse and black. The Prior and Convent of Ely grant to John Grove a corrody or Allowance — *ad suum victum quilibet die unum panem monachalem, i. e. a white loaf, and to his Servant unum panem nigum Militarem, i. e. a little brown loaf or bisket. Cartular. Elyen. MS. f. 47.*

✠ *Panis fortis & durus*, When a Felon upon his Tryal stands mute, and obstinately refuses to Plead, one of the Penalties imposed for Contempt of the Court, is to be condemn'd *ad panem fortem & durum, i. e. to have have only hard, dry, Barley-bread, and Puddle-water, &c.*

Pannage or *Pawnage*, *Pannagium*, Which is that Food that the Swine feed on in the Woods, as Mast of Beech, Acorns, &c. which some have called *Pawnes*; It is also the Money taken by the Agistors, for the food of Hogs, with the Mast of the King's Forest, *Crompt. Jur. fol. 155. Westm. 2. cap. 25. Manwood in his Forest Laws, cap. 12.* says, It is most properly taken for the Mast of the Woods within the Forest, or the Money due to the Owner of the same for it. *Linwood* defines it thus, *Pannagium est pastus pecorum in nemoribus & in sylvis utpote de glandibus & aliis fructibus arborum sylvestrium, quarum fructus aliter non solent colligi. Tit. de Decimis, mentioned alio 20 Car. 2. cap. 3. Quisquis villanus habens 10. porcos, eat unum porcum in Pannagio, Doomsday.* This word is variously written, *Pannagium*, *Pannagium*, *Pathnagium*, *Patnagium*, *Pawnagium* & *Pennagium*; and sometimes *Pasnagium*, from the French *Pasnag*. *Breve Regis Henrici 1. lib. Rameiens, sect. 313. Henricus Rex Anglie Justiciariis & omnibus Baronibus & fidelibus suis de Hunte-donschire, salutem, Præcipio quod Abbas de Ramefia teneat omnes boscos suos bene & in pace & quiete & honorifice sicut unquam melius tenuit; & nullus super hoc eos capiat vel invadat sine licentia Abbatis & si quid ei debetur de panagio, reddatur ei iuste & si aliquis ei inde super hoc injuriam vel contumeliam fecerit, faciat ei habere plenum rectum. Teste Milone Gloc. apud Winton, and Chart. 1. fundat. Waldens Canobii, Clamo etiam quietum panagium de omnibus Dominicis porcis, &c. See Mr. Kennett's Glossary in the word *Pannagium*.*

Pape or *Dope*, *Papa*, May with ease enough be derived from the old Greek word *πάππας*, intending a Father, and was anciently applied to other Clergymen in the Greek Church, but by usage is particularly appropriated in the Latine Church to the Bishop of Rome: A Name very frequent in our Year-Books, especially in the times of those Kings, who too much abandoning their Imperial Authority, and abasing themselves beneath their Estate, suffered an Alien, a foreign Bishop, that dwelt 1000 Miles distant, to deprive them of the disposition of many Spiritual Promotions; sometimes by Layie, sometimes by Provision, or otherwise: For redress whereof, divers Statutes were made, while this Kingdom was of the Roman Communion, but his Power was not wholly taken away till towards the latter end of King Henry the Eighth's Reign.

Paper-Office. All Acts of the Council-Board, Occasional Proclamations, Dispatches, and Instructions for Foreign Ministers, Letters of Intelligence, and many other Publick Papers communicated to the King's Council, or the two Secretaries of State, are afterwards transmitted to the *Paper-Office*, wherein they are all disposed in a place of good Security and Convenience within the King's Royal Palace at *White-hall*. See Mr. *Nicholson's* Engl. Hist. Libr. Part III. p. 9. Also an Office so called, belonging to the King's Bench.

Par. In exchange of Money, is a certain number of Pieces of the Coin of one Country, containing in them an equal quantity of Silver to that in another number of Pieces of the Coin of another Country, v. g. Supposing 36 Shillings of *Holland* to have just as much Silver in them as 20 *English* Shillings. Bills of Exchange drawn from *England* to *Holland* at the rate of 36 Shillings Dutch for each Pound Sterling, is according to the *Par*.—Mr. *Lock* Considerations of Money, pag. 18.

Par Lintheorum. *Præcipimus tibi quod facias habere Thomæ Sturmy Valetto nostro unam Rebam de scarletto cum quadam penula de Ryslis & aliam Robam de Viridi vel Bionetta & unam sellam & unam Par Loianorum & Capam ad plumam & unum Culcitram & unum Par Lintheorum quoniam ipse fiet Miles Claus. 6. Johannis Dorfo. M. 20.*

Paracium. The Teare that is between Parceners, viz. that which the youngest oweth to the eldest. *Doomsday*.

Parafredus. See *Palfrey*.

Parage. *Paragium*, from the French *Parag*, that signifies an equality of Name of Blood, Dignity, and also of the Partition of Lands: Hence we have *Disparagement*, and to *disparage*. See *Parcenery*.

Paragium. *Parage*, *Peage*; commonly taken for the equal condition betwixt two Parties to be contracted or married. For the old Laws of *England* did strictly provide that young Heirs should be disposed in Marriage *cum paragio*, with Persons of equal Birth and Fortune, *sine disparagatione*, without *disparagement*.

Paragraph. *Paragraphus*, Is the division of one matter from another in several lines; It is said to be *Scriptura divisio*. Per *Ihd.* not. in princip. *Decretorum*.

Paramount. Cometh of two French words, *Par*, that is, *Per*, and *Monter*, *ascendere*: It signifies in our Law the Supream Lord of the Fee; for there may be a Tenant to a Lord, that holdeth over of another Lord, the former of which is called *Lord Mesne*, and the second *Lord Paramount*, *F. N. B.* fol. 135. And a *Lord Paramount* (saith *Kitch.* fol. 289.) consisteth only in comparison, as one Man may be great, being compared to a less, and little, being compared with a greater; so that none seemeth simply to be *Lord Paramount* but only the King, who is *Paramount* to all the Benefices of *England*, *Dool.* and *Stud.* cap. 36. See *Paravaille*, *Manor*, *Mesne*, and *Fee*.

Paranymph. *Paranymphus*, A Bride-man, derived from *παρὰ*, (i.) *juxta* & *νύμφη*, *sponsa*, as much as to say, *Assidens sponse*, Assistant to the Bride and Bridegroom; *Vocabular. utriusque juris verbo Paranymphi*.

Paraphernalia. Or according to the Civil Law, *Paraphernalia*, from *παρὰ* *præter*, and *νὺν* *dos*, are those Goods which a Wife, besides her Dower or Joynture, is after her Husband's death allowed to have, as Furniture for her Chamber, wearing Apparel, and Jewels, if she be of Quality, which are not to be put into

her Husband's Inventory, especially in the Province of *York*. See *Touchostone of Wills*, fol. 201.

Parathalassia. *Walsingham* in the County of *Norfolk*, so styled by *Erasmus*.

Paravaille. Is a Compound of two French words, *Par*, i. *Per*, and *Avayler*, *demittere*: It signifieth in our Common Law the lowest Tenant, or him that is Tenant to one who holdeth his Fee over of another, and is called *Tenant paravaille*, because it is presumed he hath profit and *avayle* by the Land, 2. *Inst.* fol. 296. and *Co. 9. Rep.* *Coye's Case*; For the use of this word, see *F. N. B.* fol. 135.

Parcelle terre. A small piece of Land, *Sciatis*, &c. *quod ego Stephanus Wington de Bromyard dedi*, &c. *Roberto de Dunapton pro triginta solidis argenti unam parcelam terræ meæ cum pertin. jacen. in Bromyard*, &c. fine *Dat.*

Parcel-makers. Are two Officers in the *Exchequer* that make the *parcells* of the *Escheators* Accounts, wherein they charge them with every thing they have leyed for the King's use within the time of their Office, and deliver the same to one of the *Auditors* of the Court, to make an Account with the *Escheator* thereof. See *The Practice of the Exchequer*, pag. 99.

Parceners. Quasi *Parcellers*, i. *Rem in parcellas dividens*. *Parceners* therefore are according to the course of the Common Law, or according to Custom; *Parceners* according to the Common Law are, where one seised of an Estate of Inheritance, hath Issue only Daughters, and dies, and the Lands descend to the Daughters; then they are called *Parceners*, and are but as one Heir. The same Law is, if he have not any Issue, but that his Sisters be his Heirs. *Parceners* according to Custom are, where a Man is seised of Lands in *Gavelkind*, as in *Kent*, and other places Franchised, and hath Issue divers Sons, and dies, then the Sons are *Parceners* by the Custom. See *Co. on Lit. lib. 3. cap. 1. sect. 241*.

Particary. *Participatio*, Cometh of the French *Partir*, i. *dividuum facere*, and signifies in a Legal sense a holding or occupying of Land *pro indiviso*, by Joynt-Tenants, otherwise called *Co-parceners*, of the French *Parsonier*, i. *Particeps*; for if they refuse to divide their common Inheritance, and choose rather to hold it joyntly, they are said to hold in *Particary*, *Lit. fol. 56, 57*. This, by the *Feudist* and *Lombards*, is termed *Adequatio vel peragium*; and accordingly in *Doomsday* it is said, *Duo fratres tenerant in Paragio, quisque habuit aulam suam, & potuerint ire quo voluerint*; The ancient Romans stiled such *Particulones*, *sic enim authore Nonnio, à veteribus cohæredes inter se dicebantur, quod partes invicem facerent*. *Spigelius*.

Pardon. *Pardonatio*, Is a French word, signifying as much as *Venia*, and used in the Common Law for the remitting or forgiving of a Felony, or other Offence committed against the King; And this is two-fold, one *ex gratia Regis*, the other, *per course de la ley*, by course of the Law, *Stamf. pl. cor. fol. 47*. *Pardon ex gratia Regis*, is that which the King, in some special regard of the Person, or other Circumstance, affordeth upon his absolute Prerogative. *Pardon by the course of Law*, is that which the Law in equity affordeth for a light Offence; as *Homicide casual*, when one killeth a Man, having no such meaning, *West Symbol*, part 2. tit. *Indictments*, sect. 46. See more of this in the *New Book of Entries*, verbo *Pardon*.

Pardoners. Anno 22 H. 8. Were Persons that carried about the Pope's Indulgences, and sold them to any that would buy them: But we have none at present in *England* that are known.

Park, Parcus, from the French *Parc*, or *Parque*, *locus conclusus*: It signifies with us a piece of Ground inclosed, and stord with wild Beasts of Chace, which a Man may have by Prescription, or the King's Grant, *Crompt. Jur. fol. 148.* *Munwood* in his *Forest Laws* defines it thus, A *Park* is a place for Priviledge for wild Beasts of Venerie, and also for other wild Beasts that are Beasts of the Forest, and of the Chace, *tam sylvestres quam campestres*; and such a *Park* differs from a Chace or Warren, in that it must be inclosed, and may not lye open, for if it do, that is a good cause of Seisure into the hands of the King, as a thing forfeited, as a free Chace is if it be not enclosed; besides, the Owner cannot have an Action against such as hunt in his *Park*, if it lye open. See *Forest*, see *Chace*, see *Warren*, *Gulielm. Conq. liberam fecit Ecclesiam de Bello, de apere parcorum*, *Spelman's Gloss.* And *Hen. 1.* had a *Park* at *Woodstock*, wherein were Lions, Leopards, Camels, &c. brought thither from Foreign Parts, *Stow, An. 1117.* See 13 *Car. 2. cap. 10.*

Pactio fracta, Is a Writ that lies against him that violently breaketh a Pound, and taketh out Beasts thence, which, for some Trespas done upon another man's Ground, are lawfully impounded, *Reg. Orig. fol. 166. F. N. B. fol. 100.* For the word *Parcus* was more frequently used for a Pound to confine trespassing or straying Cattle. Whence *imparcare*, to impound, and *imparcati*, Pounding. *Imparcamentum*, right of Pounding, &c. The word keeps the Original sense in *Ireland*, where a Pound for Cattle is still called a *Pairk*.

Parkbote, Is to be quit of enclosing a *Park*, or any part thereof, *Co. 4. Inst. fol. 308.*

Parish, Parochia, Signifies the Precinct of a Parish-Church, and the particular charge of a Secular Priest; for every Church is either *Cathedral*, *Conventual*, or *Parochial*; *Cathedral*, is where there is a Bishop seated, so called. *Conventual*, consisteth of Regular Clerks, professing some Order of Religion, or of Dean and Chapter, or other Colledge of Spiritual Persons. *Parochial*, is that which is instituted for the saying of Divine Service, and ministring the Holy Sacraments, to the People dwelling within a certain compass of Ground near it. Our Kingdom was first divided into Parishes by *Honorius*, Archbishop of *Canterbury*, in the Year of our Lord 636. *Camd. Brit. pag. 104.* whose number at present is esteemed to be nine thousand two hundred eighty four; though many Authors differ much herein. See *Hottoman* in his *Disputations, De feudis*, cap. 2. concerning this word *Parochia*, — *Ego Ceolwulfus Dei gratia Rex Merciorum, rogatus a Werfritho Episcopo Hwiccorum, istam libertatem donavi, ut tota Parochia Hwiccorum a pastu equorum Regis ejus coram qui eos ducunt libera sit, &c. Charta Ceolwulfi Regis, Anno 872.*

Parle-Hill, Spelman in his *Glossary* gives us this Description of it, It is (says he) *Collis vallo plerumque munitus, in loco campestri, ne insidiis exponatur, ubi convenire olim solebant centuriae aut vicinia incolae ad lites inter se tractandas & terminandas; Scotis vero Gistball q. mons pacificationis, cui Assili privilegia concedebantur, quos in Hibernia frequentes vidimus, the Darle and Darling-Hills.*

Parliament, Parliamentum, Is deduced from a French Ground, viz. *Parler* to speak, and *Ment, Mens* the Mind; and the Writ which summons it, says, *Ad consulendum, &c. de arduis Regni negotiis*; It is indeed a Solemn Conference of all the States of the Kingdom summoned together by the King's only Authority, to Treat of the weighty Affairs of the Realm. The ancient *Brittans* had no such Assemblies, for *Tacitus* avers, That although *Olim Regibus parabant, nunc*

per Principes fallionibus & studiis trahuntur; nec aliud adversus validissimas gentes pro nobis utilius quam quod in commune non consulunt; Rarus, duabus tribusque creatibus ad propulsandum commune periculum, conventus; ita dum singuli pugnant, universi vincuntur. That the Saxons had something like it, will appear from King *Ina's* Laws, who flourished Anno 712. *Consilio* (inquit) *& documento Cenerdi patris mei, Hedde & Erkenwaldi Episcoporum meorum omniumque Aldermanum meorum & seniorum sapientum populi mei, magna etiam servorum dei frequentia.* But to come a little nearer, *William the Conqueror* divided this Land among his Followers, in such manner, that every one of them should hold their Lands of him in *Capite*; and they again distributed part thereof among their Friends and Servants, who, for the same, were bound to do them Suit and Service in their Courts: The chief of these were called *Barons*, who thrice every Year assembled at the King's Court, viz. at *Christmas*, *Easter*, and *Whitsuntide*; amongst whom the King was wont to come in his Royal Robes, and his Crown on his Head, to consult about the Publick Affairs of the Kingdom: But this Ancient Custom (say some) was changed by *Henry the First*, who, in the Sixteenth Year of his Reign, summoned of the Commons to the great Council at *Salisbury*. But see *Sir Walter Rawleigh* in his Book of the *Prærog. of Parliaments*, and *Cotton's Posthuma*, fol. 15. and Co. 2. *Inst. fol. 268.* At this day it is the greatest Assembly of the Kingdom, consisting of the King and the three Estates of the Realm, viz. The Lords Spiritual, the Lords Temporal, and the Commons, for the debating of Matters touching the Common-wealth, especially the making and altering of Laws, *Smith de Rep. Anglor. lib. cap. 1. & 2. and Camd. Brit. pag. 112.* Concerning which, *Co. on Lit. lib. 2. cap. 10. sect. 164.* and in the Fourth part of his Institutes saith, *Si vetustatem spectes est antiquissima, si dignitatem est honoratissima, si jurisdictionem est capacissima.* This in an Ancient Charter of King *John*, was called *Commune concilium Regni*, — *Nullum scutagium vel auxilium ponam in Regno nostro nisi per Commune concilium Regni nostri, &c.* But besides this Supream Court, there are other Inferiour Parliaments; The Abbot of *Croyland* was wont to call a *Parliament* of his Monks, to consult about the Affairs of his Monastery: These are the words in the Book of *Croyland*, *Concessimus etiam tunc Serjentium nostra Ecclesie Semanno de Lek, qui veniens coram conventu in nostro Publico Parlamento similiter juramentum prestitit, quod fidus & fidelis nobis existeret, &c.* And at this day the Societies of the two Temples, or Inns of Courts, do call that Assembly a *Parliament*, wherein they consult of the Common Affairs of their several Houses. See *Crompt. Jur. fol. 1.* See *King, and Royal Assent.*

Parliament de la Bond, A Parliament so called in *Edward the Second's* Eime, to which the Barons came armed against the two *Spencers* with coloured Bonds upon their Sleeves for distinction. *Dug. Bar. 2. Part.*

Parliamentum Diabolicum, So termed, Was a Parliament held at *Coventry*, 38 *H. 6.* wherein *Edward*, Earl of *March* (after King) and divers of the Nobility were Attainted. But the Acts then made were annulled by the next Parliament. *Hel. Chron.*

Parliamentum in doctorem, Was a Parliament held at *Coventry*, 6 *H. 4.* whereunto, by special Precept to the Sheriffs in their several Counties, no Lawyer, or Person skill'd in the Law, was to come, and therefore it was so called. *Walsing. pag. 412. n. 30. Rot. Parl. 6 Hen. 4.*

Parliamentum

Parliamentum infanum, So called in History, was a Parliament held at Oxford, Anno 41. H. 3. M. S. in Bibl. Cotton. sub. tit. Vitellius, C. 9.

Parliamentum Religiosorum, In most Convents, they had a common Room, into which the Brethren withdrew after Dinner for Discourse and Conversation; from whence it was called *Loquitorium*, the Parlor, or Talking Room: and the Conference there had was call'd *Parliamentum*, which was sometimes forbidden to be held, because it interrupted the more meritorious Duties of Silence and Meditation. As in the Statutes of the Black Canons Anno 1249. *Cum quidam post prandium proniores sint ad loquendum quod non prodest. Statutum est quod Parliamentum quod post prandium in quibusdam claustris fieri consuevit, penitus interdicatur, & loco ipsius vacetur uberius Meditationibus & lectionibus repetendis.* Mat. Paris Additament. p. 170.

Parliamentum indocorum, Was a Parliament held at Coventry, 6 H. 4. whereunto, by special precept to the Sheriffs in their several Counties, no Lawyer, or person skill'd in the Law, was to come, and therefore it was so called. Walsing. pag. 412. n. 30. Rot. Parl. 6 Hen. 4.

Parochianus, A compellation given by a Bishop to any Person living within his Diocess or Jurisdiction. Alexander Lincoln. Episcopus Guidoni de Charing. *Parochiano suo.* Paroch. Antiquit. p. 90. For the word *Parochia* was more properly applied to a Diocess or Episcopal District, before it was confin'd to Rural Limits, or what we now strictly call a *Parish*.

Parol, (*Loquela*) Is a French word, Kitch. fol. 193. uses it for a Plea in Court. It is sometime joyned with *Lease*, as *Lease-parol*, that is, *Lease per parol*; a Lease by word of mouth, to distinguish it from a Lease in writing.

Parpunctum, *Perpunctum*, A Coat of Mail. A Doublet lin'd and quilted for Defensive Armour. *Armatus quidam erat more peditum satis competenter, ferro tegmine capite munito lorica quoque, tunica etiam linea multiplici confuta lineis interioribus difficile penetrandis acu operante artificialiter implicitis, unde & vulgo parpunctum nuncupatur.* Gaufr. Vinesauf. Iter Hieros. sup. 48.

Parson *Parson*, *Parson* immortal. The Rector of a Church instituted and inducted, for his own Life was call'd *Persona Mortalis*. And any Collegiate or Conventual Body, to whom the Church was for ever appropriated, were call'd *Persona immortalis*. *Presatus Simon Rector Ecclesie de Cumpston, & omnes successores ejusdem sive persone fuerint mortales, sive immortales.* Chartular. Radling. MS. f. 182.

Parson, *Persona*, Signifies the Rector of a Church, because, for his time, he represents his Church, and sustaineth the person thereof, as well in suing, as being sued in any Action touching the same, *Fleta, lib. 9. cap. 18.*

Parson impersonator, *Persona impersonata*, Is he that is in possession of a Church whether appropriated, or not appropriated. For in the *New Book of Entries*, verb. *Ajd. in Annuity*, you have these words, *Et predictus A. dicit quod ipse est persona predicta Ecclesie de S. impersonata in eadem ad presentationem F. Patronisse, &c.* So that *parson* seems to be the Patron, or he that hath right to give the Benefice, by reason that before the *Literane Council* he had right to the Tythes, in respect of his liberality used in the erecting and endowing the Church, *Quasi sustineret personam Ecclesie*; And *persona impersonata*, to be he to whom the Benefice is given in the Patrons right; for we may read in the Register *Judicial Personam impersonatam*, for the Rector of a Benefice presentative, and not appropriated, *fil. 34. and Dyer, fol. 40. num. 72. saith, That a*

Dean and Chapter be *persons impersonators* of a Benefice appropriated unto them, and *fol. 221.* expressly shews, That *persona impersonata* is he that is inducted, and in possession of a Benefice. So that *persona* seems to be termed *impersonata*, in respect of the possession that he hath of the Benefice or Rectory, be it appropriate, or otherwise, by the act of another, *Co. on Lit. fol. 300.*

Parsonage, or Rectory, is a Spiritual Living composed of G. Land Tythe, and other Oblations of the People, separate or dedicate to God in any Congregation for the service of his Church there, and for the Maintenance of the Minister, to whose Charge the same is committed. *Spelm. de non temerandis Ecclesijs.*

Partes of Gold and Silver. See *Fines*.

Partes finis nihil habuerunt, &c. Is an exception taken against a Fine levied, *Co. 3. Rep. fol. 88. The Case of Fines.*

Partitio facienda, Anno 31. H. 8. c. 1. Is a Writ that lies for those who hold Lands or Tenements *pro indiviso*, and would sever to every one his part, against him or them that refuse to joyn in partition, as *Copartners, &c.* *Old Nat. Brev. fol. 142. F. N. B. fol. 51. And New Book of Entries, verbo Partition.* See *Partition*.

Partition, *Partitio*, Is a dividing of Land descended by the Common Law, or by Custom, among *Cohairs* or *Parceners*, where there are two at least; and this *Partition* is made four ways, whereof three are by Agreement, the fourth by Compulsion: The first *partition* by Agreement is, when they themselves divide the Land equally into so many parts as they are *Coparceners*, and each to chuse one share or part according to order. The second is, when they chuse certain of their Friends to make the division for them: The third is, by drawing Lots thus, having first divided the Land into as many parts as there be *Parceners*; they write every part severally in a distinct Scroll, and wrapping it up, throw each of them into a Hat, Bason, or such thing, out of which each *Parcener* draws one, according to their seniority, and so the Land is severally allotted. The fourth *partition*, which is by compulsion, when one or more of the *Parceners*, by reason of the refusal of some other, sues out a Writ of *Partitio facienda*, by force whereof they shall be compelled to part. In *Kent*, where the Land is of *Gavelkind* nature, they call their partition *Shifting*, from the Saxon *Shiftan*, to divide: In Latine it is called *Hercicere*; *Partition* also may be made by *Joynt-tenants*, or *Tenants in common* by Assent, by Deed, or by Writ, *31 H. 8. 1. 32 H. 8. 32.*

Parricide, *Parricida*, Properly signifies him that kills his Father, and may be applied to him that murders his Mother.

Parties, Are those which are named in a Deed, or Fine, as parties to it, as those that levy the Fine, and to whom the Fine is levied: So they that make any Deed, and they to whom it is made, are called *Parties to the Deed*.

Particata terra. See *Perticata*.

Parti-Turp, 14 Car. 2. cap. 11. See *Medietas Lingue*.

Partlet, Was some part of the Attire, a kind of Band, or Neck-kerchief, which in some places still retains the name: This word is read in the Statute of 24 H. 8. cap. 13.

Pascha clausum, The *Ostaves* of Easter or Low Sunday, which closes or concludes that solemnity. *Die (scilicet) post pascha clausum*, is a date in some of our old Deeds. And the first Statute of *Westminster*, Ann. 3. Edw. 1. is said to have been made *lendes main de la cluse de Pasche*, i. e. The Monday after Easter Week.

Pavise. See *Pervise*.

Parvo nocumento, Is a Writ of Nuisance. See Nuisance.

Pascha Floridum, Palm-Sunday, or the Sunday before Easter, when the proper Hyman or Gospel sung was *accurrent turbe cum floribus & palmis*, &c. *Sex denarii & quatuor lagenas mellis ad duos terminos scilicet ad Pascha floridum quatuor lagenas mellis, & ad festum S. Michaelis sex denarii.* Chartular. Abbat. Glaslon. MS. f. 75.

Paschal Rents, Are Rents or annual Duties paid by the inferior Clergy to the Bishop, or Arch-deacon, at their Easter Visitation; They are also termed *Synodals*. See Synodals.

Pasnage. See Pannage.

Passage, *Passagium*, Is a French word signifying *Transitum*: By the Statutes of 4 E. 3. cap. 7. and Westminster. 2. cap. 25. It denotes the hire that a man pays for being transported over Sea, or over any River. In the Charter of Henry the First, of the Liberties of London, we find these words, *Et omnes res eorum per totam Angliam & per portus Maris, de Tholonio & passagio, & Lastagio, & omnibus aliis consuetudinibus, per passagium Clamat esse quiete de omnibus in Com. Cestria & Flint pro omnibus carectis, cariag. ejus servientibus & summagius suis cneratis.* Pl. in Itin. apud Cestriam, 14 H. 7.

Passagium, A Voyage or Expedition to the Holy Land, when made by the Kings of England in person, was call'd *Passagium-Rex Archiepiscopo Cant. Salutem.* Cum passagium nostrum juraverimus & Statuerimus a festo Nativitatis beati Johannis Bapt. proximo venturo in quatuor annos, & D. Papa concesserit decimum proventum Ecclesiasticorum ante idem passagium colligendum. Dat. 16. Martii. 36 H. 3. Prynn Collect. Tom. 2. p. 767.

Passagio, Is a Writ directed to the Keepers of the Ports, to permit a man to pass over Sea that hath the King's Licence, Reg. Orig. fol. 193, 194.

Pascua. See Pasture.

Pasnage, *Pasagium*, in French *Pasnage*, the feeding or pasturing of Cattel: — *Et habere viginti pascuas quietos de pascuagio, & fualium ad panem suum & cibis equandos, &c.* Chart. Rich. de Muntfichet Priorat. de Tremhale in Mon. Ang. 2. par. fol. 23. Also the same with Pannage.

Passator. Donationem insuper quam Hugo de Bradewardyn Passator filius Stephani Pont perscriptum suum fecit eidem fratribus de Libero Passagio apud Bradewardyn Par. 1 E. 3. Par. 3 M. 6. He that has the Interest or Command of the Passage of a River, for this Bradewardyn lies upon the River Wye in Herefordshire.

Passport, A Compound of two French words, viz. of *Passer*, *transire*, and *Port*, *portus*, a Haven: It signifies a Licence made by any that hath Authority, for the safe passage of any man from one place to another, 2 E. 6. cap. 2.

Pasta, *Past* or kneaded dough before it is baked. A. D. 1445. *Ordinatum erat per Thomam Lyseaux Decanum & Capitulum Ecclesie Sancti Pauli London. quod panis Canonicozum in pasta crudus debeat ponderare ad furnum uti marcam.* Liber Statutor. Ecclesie Pauline. MS. f. 107. b.

Pasture, *Pastura*, Feeding for Cattel; and therefore we call Feeding-Grounds *Common of Pasture*. Linwood in lib. 3. Provincial. Ang. tit. De Decimis, cap. Quoniam, says, That Different *pascua* & *pastura*, nam *pastura* omne genus pascendi significat, sive fiat in pratis, sive in agulis, sive in agris, sive in campis, sed *pascua* est tantum principaliter deputatus pecoribus pascendis, utpote in montibus, moris, mariscis & planis non cultis nec aratis.

Pastitium, *Castrum Havindel*, T. R. E. reddebat de quodam molino xx. sol. & de iii. conuivis xx sol. &

de i. pasticio xx. sol. Lib. Domesday Suffsex. Where *Pastitium* seems to signify a Pasture Ground.

Pastus, Procuration, Reception, or Entertainment, challeng'd as a customary due from the Vassal to the Lord. — *Hic modo per annu liberabo a pastu Regis & Principum.* Charta Wiglan Regis Merciorum in Mon. Angl. Tom. 1. p. 123.

Patentes, *Littere Patentes*, Differ from Writs, & *Emp. Jur. fol. 126.* The Coroner is made by Writ, and not by Patent. See *Letters Patent*, and also *Littere Patentes*; In the Table of the Register, where you may find the form of divers.

Patente, Is he to whom the King grants his *Letters Patent*, 7 E. 6. cap. 3.

Pasnage or *Pasnage*, Money taken for Mast, or the feeding of Hogs, *Doomsday.* Braden calls it *Pessona*, and we *Pannage*. See *Pannage*.

Patria, Properly signifies the Country, but in the Law it denotes the men of a Neighbourhood; so when we say *Inquiratur per patriam*, we mean a Jury of Neighbourhood; in like manner *Affia vel recognitio per Affiam*, idem est quod *Recognitio patrie*.

Patriarch, *Patriarcha*, Is a Greek word signifying a chief Father, Anno 385. In the General-Council holden at Constantinople, it was decreed, That the Bishop of Constantinople should for ever be called a *Patriarch*.

Patrimony, An Hereditary Estate, or Right descended from Ancestors. The legal endowment of a Church or Religious House, was call'd *Ecclesiastical Patrimony*; And the Lands and Revenues united to the See of Rome are call'd *St. Peter's Patrimony*.

Patrinus, *Fidejussor* in Baptismate, Anglicè a Godfather, *Uti Paulus se dixit Onesimum genuisse & Corinthios.*

Patron, *Patronus*, Is used in the Civil Law for him that hath manumitted a Servant, and thereby is both justly accounted his great Benefactor, and challengeth certain Reverence and Duty of him during his life. See the Title *De Jure Patronatus* in the Digest, with the Feudists *pro autore feudi.* Hotoman verbo *Patronus*, in his *Comment de verbis feudali.* Both in the Canon and Common Law it signifies him that hath the Gift of a Benefice, and the reason is, because the Gift of Churches and Benefices belonged unto such good men as either built, or else endowed them with some great part of their Revenue. And Corasius in his *Paraphrase Ad sacerdotium materiam*, part. prim. cap. 2. & part. 4. cap. 6. writes thus of them, *Patroni in jure Pontificio dicuntur qui alienis Ecclesiis extruenda aut alterius cursumque, fundationis Ecclesiasticæ autores fuerunt, ideoque presentandi & offerendi clericum jus habent quem Ecclesia vocanti præesse & in ea collatis redditibus frui velint. Acquirant autem hoc jus qui vel fundant Ecclesiam vel dotant, &c.* See Mr. Kennet's Glossary in the word *Patronus*.

Pavage, Rot. Par. 10. Ed. 3. m. 32. Money paid towards the paving of the Streets or High ways.

Pavimentum, A Pavement, or Paving with Stone. Wood's Anti. Oxon. lib. 2. fol. 11.

Pawnage. See Pannage.

Par Dei. See Peace of God.

Par Ecclesiæ, *Dictum*, cum salva sunt Ecclesiæ omnia Privilegia, & Immunitates, serri, famuli, Ministri, &c. Vide Leg. Edw. Conf. cap. 8.

Par Regis, The King's Peace, *Nam longè debet esse Pax Regis a parte sua, ubi residens fuerit a quatuor partibus loci illius, hoc est quatuor miliaria & tres quarentene & novem acra latitudine, & novem pedes, & novem pascua, & novem grana hordei, &c.* Leg. Edw. Conf. cap. 12. See *Spelman*.

Pauper, Signifies properly a poor Man, according to which we have a term in Law to sue in *forma pauperis*:

peris; that is, if a Man or Woman having Cause of Action, and not having ability to sue, the Cause of Action being certified under Counsels hand, with a Petition of the Party, setting forth their Case and Poverty; the Judge of the Court, whether in Common Law or Equity, will admit the party, to sue in *Forma pauperis*, that is, assign them an Attorney or Clerk, and Counsel to defend their Cause, and plead for them without Fees.

Peace, Pax. In the general signification is opposite to War or Strife: But particularly with us it intends a quiet and harmless behaviour toward the King and his People, *Lamb. Eirenarch. lib. 1. cap. 2. pag. 7.* And if any man goes in danger of harm, or bodily prejudice from another, and makes Oath of it before a Justice of Peace, he shall be secured by good Bond, which is called *Binding to the Peace*, *Lamb. Eiren. lib. 2. cap. 2. pag. 77.* *Cramp. Just. of Peace, fol. 118. ad 129.* And also *Frank-pledge* and *Conservator of the Peace*. Time of Peace is, when the Courts of Justice are open, and the Judges and Ministers of the same may by Law protect Men from wrong and violence, and administer Justice to all, *Co. on Lit. fol. 249.*

Peace of God and the Church. *Pax Dei & Ecclesie*, Was anciently used for that rest and cessation which the King's Subjects had from trouble and suit of Law between the Terms. See *Vacation*, and *Pax Dei*. *Tempus dicitur cultui divino adhibitum, eaq; appellatione omnes dies Domini, festa & vigilia continentur.* *Spelman.*

Peace of the King, Pax Regis, 6 R. 2. Stat. 1. cap. 13. Is that peace and security both for Life and Goods, which the King promisseth to all his Subjects, or others taken to his Protection. See *Suit of the King's Peace*. This point of policy seemeth to have been borrowed by us from the *Fendits*, which in the second Book of the *Fends*, cap. 53. entitled *De pace tenenda*, &c. *Hytman* proveth. Of this *Hoveden* setteth down divers Branches, *par. post. suorum annal. in H. 2. fol. 144. & 330.* There is also Peace of the Church, for which see *Sanctuary*. And the Peace of the King's Highway to be free from all Annoyance or Molestation. See *Watling street*. The Peace of the Plough, whereby the Plough and Plough-Cattel are secured from Distresses; for which see *F. N. B. fol. 90.* So Fairs may be said to have their Peace, because no man in them may be troubled for any Debt elsewhere contracted. See *Fairs*.

Pecia, A piece or small parcel of Ground. — *Cum duabus peciis — dista terra pertinentibus.* *Paroch. Antiquit. p. 240.*

Pecherie. See *Piscary*.

Pectorell, 14 Car. 2. cap. 3. Armor for the Breast, a Breast-plate, derived from *Pectus*, a Breast.

Peculiar, In French *Peculier*, that is, proper; it signifies a particular Parish, or Church, that hath Jurisdiction within its self, for probat of Wills, &c. exempt from the Ordinary, and the Bishops Courts. The King's Chapel is a Royal peculiar, exempt from all Spiritual Jurisdiction, and reserved to the Visitation and immediate Government of the King himself, who is Supreme Ordinary. It is an ancient Privilege of the See of *Canterbury*, that wheresoever any Mannors or Advowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiar*s, and of that, see *Canterbury*.

Pecunia. Properly Money, but was anciently used for Cattel, and sometimes for other Goods as well as Money; So we find often in *Doomsday*, *Pastura ibidem ad pecuniam ville*, that is, Pasture-Ground for the Cattel of the Village. And in *Emendat. Willielmi primi ad Leg. Edw. Conf. Intenti sumus etiam ut nulla viria pecunia vendantur, aut emantur nisi infra Civita-*

tes. & hoc ante 3. fideles testes, Et Leg. Ed. Conf. cap. 10. Qui habuerit 30. denariatos virie pecunias.

Pecunia Sepulcralis, (*L. L. Canuti fol. 102.*) Was Money anciently paid to the Priest at the opening the Grave for the good and behoof of the deceased Soul. This the Saxons call'd *Sankhead, Sankstet*, and *Anima Symblum.* *Spel. de Concil. T. 1. l. 517.*

Pea, Mons, A Hill. *Doomsday.*

Pedage, *Pedagium*, Signifies Money given for the passing by Foot or Horse through any Country; *Pu- pilla oculi*, part. 9. cap. 7. *Pedagia dicuntur quae dantur a transeuntibus in locum consuetum a principe, sicut Spelman, Et capiens pedagium debet dare saluum conductum, & territorium ejus tenere securum.* So *Baldus, Cassan. de consuetud. Eur. pag. 118.* hath these words, *Pedagium a pede dictum est, quod a transeuntibus solvitur, &c.*

Pedale, A Foot-Cloath, a Carpet, or piece of Tapestry laid on the ground to tread on for greater state and ceremony. — *Dedit etiam duo magna pedalia, le nibus intexta, ponenda ante magnum altare in festis principalibus.* *Ingulph. Hist. p. 41.*

Pedules, When the old Hosen or Ereeches reach'd down below the Calf of the Leg, the Stockins only covered the Feet, and came up to the Ankle, or just above the Shoe. These odd short Hosi were called *vamps* and *vampys*, whence to graft a new footing to old Stockins is still call'd *vamping*. These *vamps* which were more like our Socks than our present Stockins, were call'd *Pedules* and *Pedana*. As among the customs of the Abbey of *Glaston*, — *De vestitu eorum ita est consuetudo — unus quisque Fratrum duas cucullas, & duos fraccos, & duo stammina, & duo femoralia habere debet, & quatuor caligas & pelicem novam pedules vero decem scil. ad festivitatem omnium Sancto- rum iv. & ad festivitatem S. Martini iii. &c.* *Char- tular. Abbat. Glaston. MS. f. 10.*

Pere, *Pera*, Is a Fortrefs made against the Force of the Sea, for better security of Ships that lie at Harbor in any Haven; so is the *Peere* at *Dover* described, *Camd. Brit. pag. 259.* See 14 Car. 2. cap. 27.

Petrage, The Dignity of the Lords or Peers of the Realm; also an Imposition for the Maintenance of a Sea-Peer.

Petres, Paves, Signifie in our Common Law those that are impannelled in an Enquest upon any Man, for the convicting or clearing him of any Offence for which he is called in question; and the reason thereof is, because the course and custom of our Nation is to try every Man in such case by his Equals or Peers, *Westm. 1. cap. 6.* So *Kitchin* useth it, *fol. 78.* in these words, *Mais si le merciement soit assure par paves.* And this word in this sense is not in use with us only, but with other Nations also. For *Paves* sunt *convallati quorum sententia vasallus propter feloniam est condemnatus*, *Bartilayus de Regno, lib. 4. cap. 2.* Et *paves sunt qui ab eodem Domino feudum tenent*, *lib. 1. Feudor. cap. 26.* But this word is most principally used for those that be of the Nobility of the Realm, and Lords of the Parliament, *Stratf. pl. cor. lib. 3. cap. Tryal per les Peers*, the reason whereof is, that altho' there be a distinction of degrees in our Nobility, yet in all publick Actions they are equal, as in their Votes of Parliament, and in passing in Tryal upon any Nobleman, &c. This appellation seems to be borrowed from *France*, and from those twelve Peers that *Charle- maine* instituted in that Kingdom; of whom you may read *Vincent. Lupanus de Magistr. Francia, lib. 1. cap. Paves Francia.* And though we have borrowed the Appellation, and applied it with some reason to all Lords of Parliament, yet we have no set number, for our Nobles may be more or less, as the King pleaseth.

Pegen. See *Faith*.

Payne fort & dure. See *Payne fort & dure*.
℥ Pella, Anciently used for *Pondus*, weight. Weight. See *Pesage* and *Weight*.

℥ Pella, A Peel, a Pile, a Fort. The Citadel or Castle in the Isle of Man, was by this Name granted to Sir John Stanley. *Par. 7. H. 4. M. 18.*

Pellre, Pelfra, Tho. Venables *Ar. Clamar, Quod si aliquis tenent. sive resident. infra Dominium sive Manerium de Kinderton feloniam fecerit & corpus ejus per ipsum Thomam super factum illud captum & convict. fuerit, habere pelfram, viz. Omnia bona & catalla hujusmodi sive, Plac. in itin. apud Cestr. 14 H. 7.*

Pellicta, A Pilch, *Tunica vel indumentum pellicum hinc super-pellicum, A Sur-pilch or Surplice, Spelm.*

Pellota, French *Pelote*, The ball of the Foot, *Char. de Foresta, cap. 7. Talis autem expeditio (viz. canum,) fiat per assisam communiter usitatam, viz. quod tres ortelli abscindantur, sive pellota de pede anteriori.* See *Co. Inst. part. 4. fol. 308.*

Pelt-wooll, Is the wooll pulled off the Skin of dead sheep, *8 H. 6. cap. 22.*

℥ Pellage, (*Par. Rol. 11 H. 4.*) The Custom-Duty paid for Skins, Pelts or Leather.

℥ Pelliparius, (*Par. 15 Edw. 3. P. 2. M. 45.*) A Skinner, a Currier, a Leather-Furrier, or Dresser.

℥ Pencerarius, A Penon or Ensign-Bearer. *Hic jacet Joannes Parient Armiger pro corpore Regis Richardi Secundi & Pencerarius ejusdem Regis. Epitaph apud Digs-Well in Com. Hertford.*

℥ Pencilus, *Pencilus, A Pennon or Pendant, a Streamer, a Banner. Robertus de la Sale tenet duas virgatas tene in Nether-Overton per seriantium invenienti in exercitu Domini Regis hominem portantem union pencilum per xx. dies sumptibus suis.*

Denigulm. *Denarii alicujus ex quavis consuetudine pro facultate aliqua vel privilegio habendo puta in foresta aut alibi, Spelm. Gloss.*

Denitions, A kind of coarse woollen Cloth mentioned *43 Eliz. cap. 10.*

℥ Ad Pensam, The ancient way of paying into the Exchequer as much Money for a Pound Sterling, as weighed twelve Ounces Troy. Payment of a Pound *de numero*, imported just twenty Shillings: *Ad sculam* imported twenty Shillings six Pence; and *ad Pensam* imported the full weight of twelve Ounces. *Vid. Lowndes Essay upon Coin, p. 4.*

℥ Pensia, Salis, Casei, &c. A Wey of Salt, or Cheese, containing 256 pound.—*Hervens Episc. Eliensis concessit Monachis quatuor pensas casei, & sex pensas salis.—Hist. Elien. apud Wharton Angl. Sac. P. 1. p. 617.* The same weight is call'd in old Writings *Pisa, Pesa, Peis.*

℥ Pennyweight. *Fabricavit sibi stateram Abbati & conventui postea dolosam & abominabilem, qua dicitur Pennyweight, & cum illa triavit 20 Sol. in denariis antiquis ponderis maximi, cum quibus aqua lance recipiebat denarios quorumcunque. Will. Thorn. Sabann. 1335.*

℥ Penny weight, Every Pound containing twelve Ounces, each Ounce was divided into twenty parts, called twenty Penny weight. For at that time twenty Penny weight weighed one Ounce, which though the Penny weight be altered, yet the denomination still continues. Every Penny weight is subdivided into twenty four Grains.

Penne. See *Baye*.
Denon, *11 R. 2. cap. 1.* Is a Standard, Banner or Ensign, carried in War: It is borrowed from France, for *Pennon* in the French Language signifies the same thing.

Pension, Pensio. That which in the two Temples is called a *Parliament*, and in *Lincoln's Inn* a *Council*, in *Grays Inn* termed a *Pension*; that is, an Assembly

of the Members of the Society to consult of the Affairs of the House. And in the Inns of Court, *Pensions* are certain annual payments of each Member to the House.

Pension-writ, When a *Pension-writ* is once issued, none sued thereby in an Innes of Court, shall be discharged or permitted to come into Commons, till all Duties be paid. *Order in Grays Inn*, wherein it seems to be a peremptory Order against such of the Society as are in arrear for *Pensions*, and other Duties.

Pensioners, Pensionarii, Are a Band of Gentlemen so called, that attend as a Guard upon the King's Person: They were Instituted Anno 1539. and have an allowance of fifty pound a year to maintain themselves and two Horses for the King's Service. See *Stow's Annals*, 973.

Pentecostalls, Pentecostalia, Were certain pious Oblations made at the Feast of *Pentecost*, by Parishioners to their Parish Priest, and sometimes by inferior Churches or Parishes to the principal Mother-Church. Which Oblations were also called *Whitson Farthings*, and were divided into four parts, one to the Parish-Priest, a second to the Poor, a third for repair of the Church, and a fourth to the Bishop. *Stephens of Procurations and Pentecostalls.* See Mr. Kennet's Glossary in *Pentecostalia*.

Peny, Was our ancient currant Money, *2 Inst. fol. 575.* In a Charter of *H. 7.* to the Abbot and Convent of the Church of *St. Peter in Westminster*, dated the Nineteenth year of his Reign, we read, *Et quod sint quieti de omnibus misericordis & Warda, & Ward-peny, Aven-peny, & Hundred-peny, Tything-peny, & de omnibus operibus castellorum, pontium, &c.*

Pepper, Piper, Is a Spice well known, of whose diversities and nature you may read *Gerard's Herbal*, lib. 3. cap. 146. This is set among Merchandise to be garbled, Anno 1. *Jac. cap. 19.*

Per cul et post. See *Entry*.

Perambulation of the Forest, Perambulatio Foresta, Is the surveying or walking about the Forest, or the Limits of it, by Justices, or other Officers thereto appointed, to set down the Metes and Bounds thereof, and what is within the Forest, and what without, *17 Car. 1. cap. 16. 20 Car. 2. cap. 3. 4. Inst. fol. 30.* See *Purview*.

Perambulatione facienda, Is a Writ that is sued out by two or more Lords of Mannors lying near one another, and consenting to have their Bounds severally known. It is directed to the Sheriff, commanding him to make *perambulation*, and to set down their certain Limits, *F.N.B. fol. 133.* See *Rationabilibus divisio.* See *Reg. Orig. fol. 157.* and the *New Book of Entries*, verbo *Perambulatione facienda*.

Peravayle. See *Paravayle*.

℥ Percaptura, A wire, or weir, or place in a River made up with Banks, Damms, &c. for the better convenience of preserving and taking Fish. Of which kind there were several artificially contriv'd in most waters and streams. *Wido de Meriton* Granted to the Knights Templars.—*Omnes percapturas quas Aratres inceperunt versus me in faciendo passagium suum. Paroch. Antiquit. p. 120.*

Perch, Pertica, Is used with us for a Rod or Pole of sixteen foot and a half in length; whereof forty in length and four in breadth make an Acre of Ground, *Crompt. Jur. fol. 222.* Yet by the Custom of the Country it may be longer, as he there saith; and several Counties differ herein, for in *Staffordshire* it is twenty four foot, in the Forest of *Sherwood* twenty five. In *Hesfordshire* a *Perch* of Walling is sixteen foot and a half: a *Perch* of Ditching twenty one foot: In the Forest of *Canky* twenty five: in the Forest of *Clarendon* twenty, &c. *Skene de verbor. Signif. verbo Particula*

Particula terra, saith, That *Particula terra* is a Rood of Land; and a little after to this effect, Three Barley-corns without tails set together in length make one inch; of the which Corns, one should be taken off the middle ridge, another off the side of the ridge, and one off the furrow: Twelve inches make a foot of measure, three foot and an Inch make an Eln, six Elnes make one Fall, which is the common lineal Measure, and six Elnes long and six broad make a Square; and superficial Fall of Land measured. And it is to be understood, that one Rod, one Raip, one lineal fall of Measure, are all one, each of them containing six Elns in length; Howbeit a Rod is a Staff or Pole of Wood, a Raip is made of Tow or Hemp, and so much Land as falleth under the Rod or Raip at once, is called a *Fall of measure*, or a *lineal Fall*, because it is the measure of the line or length only; like as the superficial fall is the measure of length and breadth. Item, ten Falls in length and four in breadth make a Rood, four Roods make an Acre, &c. This is the measure of Scotland. See Mr. Kennett's Glossary in *Pertica*.

Perchters. The *Paris Candles* used formerly in England were so called. See *Stow Survey of Lond.* p. 71. The reason I presume was this, The larger Sconces or Candlesticks for the Tapers or Lights on the Altar were call'd *Pertica*, *Perches*: Hence the bigger Candles, especially of Wax, that were commonly set upon the Altars, were call'd *Perchers*.—*Insuper & in capella beata virginis superius in australi Ecclesia Latera preparata, duas perticas pro superponendis cereis decenter ordinatas.* Hist. Croyl. Contin. sub anno 1405.

Pardonatio utlagariæ, Is a Pardon for him, who for contempts in not coming to the King's Court, is Out-lawed, and afterwards, of his own accord, yieldeth himself to Prison, *Reg. Judicial*, fol. 28. *Leg. Edw. Confes.* cap. 18. & 19.

Pert & pitt, In the Constitutions of *Canutus* concerning the Forest, cap. 17. We have these Words, *Si quis autem contra primarium pugnauerit, in placito emendet secundum pretium sui ipsius quod Angli Pert & pitt dicunt & soluat. primario 40. fol.* See *Were*.

Peremptory, *Peremptorius*, Cometh of the Verb *perimere*, to cut off, and joyned with a Substantive (as Action or Exception) signifies a final and determinate Act, without hope of renewing or altering. So *Fitzherbert* calleth a *Peremptory Action*, *Nat. Brev.* fol. 35. 32, 104, 108. and *Nonjuxta peremptory*, *Idem.* fol. 5. 11. A *peremptory exception*, *Bracton.* lib. 4. cap. 20. *Spith de Rep. Anglor.* lib. 2. cap. 13. calleth that a *Peremptory exception*, which makes the State and Issue in a Cause.

Perinde valere, Is a term that belongs to the Ecclesiastical Law, and signifies a Dispensation granted to a Clerk, that being defective in his capacity to a Benefice, or other Ecclesiastical Function, is *de facto*, admitted to it, and it hath the Appellation from the Words, which make the faculty as effectual to the party dispensed with, as if he had been actually capable of the thing for which he is dispensed with at the time of his Admission, 25 *Hen. 8.* cap. 21. It is called a *Writ*.

Perjury, *Perjurium*, Is a Crime committed, when a lawful Oath is ministred by any that hath Authority to any Person in any judicial proceedings, who swearing absolutely and falsely in a matter material to the Issue, or Cause in question, either of their own accord, or by the subordination of others. And if a Man call me *perjur'd Man*, I may have my Action upon the Case, but for calling me a *forsworn Man*, no Action lies, *Ca. Infl.* 3. par. fol. 163. 23 *H. 8.* 3. It is excepted out of the Act Of General Pardon, 12 *Car. 2.* cap. 8. How it is punished in *Wales*, see 26 *H. 8.* 4. and 5. *Eliz.* cap. 9.

Perkins, Was a learned Lawyer, a Fellow and Bench-er of the Inner Temple, that lived in the days of *Edward the Sixth* and *Queen Mary*. He wrote a very excellent Book upon divers points of the Common-Law.

Per my & per tout, A Joynt-Tenant is said to be seised of the Land that he holds joyntly *Per my & per tout*; that is, he is seised by every parcel, and by the whole, *Littl. Tenures*, sect. 281.

Permutatione Archidiaconatus & Ecclesiæ eidem annexæ cum Ecclesiâ et præbenda, Is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice, upon exchange made with another, *Reg. Orig.* fol. 307.

Pernor of profits, Is derived of the French *Prenuer*, a Taker or Receiver is he that takes or receives the profits, as *Pernor of profits*, 1 *H. 7. 1.* *Pernor of profits*, and *Cestuy que use*, is all one, *Co. Rep.* 1. fol. 123. *Chudley's Case.* See 21 *R. 2.* cap. 15. and *Co. on Lit.* fol. 589. b.

Pernancy, A taking or receiving Tythes is *Pernancy*; that is, Tythes taken, or that may be taken in kind.

Per quæ servitia, Is a Writ Judicial, issuing from the Note of a Fine, and lyeth for Cognisee of a Manor, Seignior, chief Rent, or other Services, to compel him that is Tenant of the Land at the time of the Note of the Fine leveyed, to attorn unto him, *West Symbol.* part. 2. tit. *Fines*, sect. 126. *Old Nat. Brev.* fol. 155. *New Book of Entries*, verbo *Per quæ servitia*.

Perquisite, *Perquisitum*, Is any thing gotten by a Man's own Industry, or purchased with his own Money, different from that which descends to him from his Father or Ancestors; and so *Bracton* uses it, when he says, *Perquisitum facere*, lib. 2. cap. 30. num. 3. & lib. 4. cap. 22.

Perquisites of Court, Be those profits that grow to a Lord of a Mannor, by virtue of his Court Baron, over and above the certain yearly profits of his Land, as *Fines of Copy-holds*, *Hariots*, *Amerciaments*, *Waifes*, *Strayes*, &c. *Perkins*, fol. 20, 21.

Person. See *Parson*.

Personable, *Personabilis*, Signifies as much as enabled to maintain plea in Court: As for Example, The Defendant was judged personable to maintain this Action, *Old Nat. Brev.* fol. 142. And in *Kitchin*, fol. 214. The Tenant pleaded, That the Wife was an Alien born in *Portugal*, without the Legiance of the King, and Judgement was demanded, whether she should be answered: The Plaintiff saith, She was made personable by Parliament, that is, as the *Civilians* would speak it, *Habere personam standi in judicio*. *Personable* is also as much as to be of capacity to take any thing granted or given, *Plowden*, fol. 27. *Colthirst's Case*.

Personal, *Personalis*, Being joyned with the Substantives, Things, Goods or Chattels, as Things personal, Goods personal, Chattels personal; signifies any moveable thing belonging to a Man, be it quick or dead: So it is used in *West Symbol.* part 2. tit. *Enditements*, sect. 58. in these words, Theft is an unlawful felonious taking away another Man's moveable personable Goods, so also 61. And *Kitchin*, fol. 139. saith, Where personable things shall be given to a Corporation, as a Horse, a Cow, Sheep, or other Goods, &c. And *Stamps. pl. cor.* fol. 25. *Contræctatio rei alienæ*, is to be understood of things personal; for in things real it is not Felony, as the cutting of a Tree is not Felony. See *Chattels*.

Personal Tythes. Are Tythes paid of such profits as come by the labor of a Man's Person, as by buying and selling, gains of Merchandise and Handicrafts, &c. See *Tythes*. O o Personable,

Personalty, Personalitas, Is an Abstract of Personal. The Action is in the *Personalty*, *Old Nat. Brev. fol. 92.* that is to say, it is brought against the right Person, or the Person against whom in Law it lies. In *vocabulario utriusque juris*, I find the word *Impersonalitas*; For says that Author, *Personalitas significatur per has dictiones, (tu mihi, ego tibi) cum alio significato quod probaliter concluditur, & si nullo modo concludatur tunc est impersonalitas.*

Persons ne Prebendaries ne seront charger as quintines, &c. Is a Writ that lies for Prebendaries, or other spiritual Persons, being distrained by the Sheriff, or Collectors of Fifteens, for the Fifteenth of their Goods, or to be contributory to Taxes, *F. N. B. fol. 176.*

Perticata terra, Is the fourth part of an Acre, which in the whole Superficies contains forty *Perticas*. See *Pertches*.

Perticulas, The King granted to *Luke Margán de insula de Man Scholari*, quondam eleemosynam vocatam *Perticulas* ad sustentationem cuiusdam pauperis Scholaris de insula prædicta ad exercendam Scholas, per progenitores, nescimus, quondam Reges Angliæ datam & concessam, *Pat. 5. Hen. 4. m. 16.*

Pertinens, Was anciently used for a Kinsman or Kinswoman, *Si quis cum pertinente sua jaceat, emendet hoc secundum cognationis modum sit Werâ, sit Witâ, sit omni pecuniâ*, *Leg. Canuti Regis MS. cap. 48.*

Pervise or Parvise, Pervisus, Parvisia, Is derived from the French *Le parvis*. *Fortescue de laudibus legum Angliæ, cap. 51. pag. 124.* hath these words, *Sed tunc placitantes (i. post meridiem) se divertunt ad pervisum & alibi consulentes cum servientibus ad legem & aliis consiliariis suis.* Of which Chaucer thus, *Prolog. 9.*

A Serjeant at Law, that were and wile,
That often had been at the Parvise.

Nam ibi Legis periti convenire ut clientibus occurrerent, non ad tyrocinia juris, quas notas vocant exercenda, says Spelman. Selden in his *Notas on Fortescue*, pag. 56. says, It signifies an Afternoons Exercise or Moot, for the Instruction of young Students, bearing the same Name originally with the *Parvisia* in Oxford. Mr. Somner says, *Pervise* signifies *Palatii Atrium vel Area* illa a fronte Aula Westm. bodie, the Palace-yard. See his *Gloss. in 10. Scriptores, verbo Triforium.*

Pes Forestæ.—Notandum est quod pes forestæ usitatus tempore Ric. Oysell in arventatione vastorum, factus est, signatus & sculptus in pariete Cancellæ Ecclesiæ de Edwinstone & in Ecclesiâ B. Mariæ de Nottingham, & dictus pes continet in longitudine duodecim pollices, & in arventatione quorundam vastorum pertica 20, 21, & 24. pedum usque fuit, &c. *Ex Regist. Abb. de Novolocho in Com. Not. penes Rob. Comitem Kingstoniæ, Anno 1620.* See *Spelman* eodem verbo.

Pes Monetæ, The foot of Money called by the French *Pied de Monnoye*, is a true and reasonable adjustment of the intrinsic and extrinsic value of all current Coins.

Pes, Pensa, Pifa, A Wey or Weigh, or certain Weight or Measure of Cheese and Wooll, &c. containing two hundred fifty six pounds.—*Herveus Episc. Elien. concessit Monachis quatuor pensas casei in Dereford, & sex pensas salis in Tynningtoun. Hist. Elien. apud Wharton Ang. Sac. P. 1. p. 617.*

Pesage, Pesagium, A Duty paid for the weighing of Merchandise, and other Wares, we may, without any straining, draw *Pesage* or *Poyling* for *Pondus*, and to *Pesse* or *Poise* for *ponderare*.

Pesarius, A Weigher. *De quolibet Sacco lane per licentiam Justit. infra muros Dilectæ Civitatis (Sc.*

Wintoniæ) Vendito pro Pesario Episcopi quatuor Denar. & pro fado Pesarii unum Denar. Pat. 2. Ed. 4. Pars. 6. M. 6.

Pesentum Anguillarum.—Unum pesentum Anguillarum x. l. *Valer Grossas Anguillas. Dug. Monast. Ang. part. 1. p. 363. b.*

Pessona, Mast, Or, according to *Bracton*, the Money taken for Mast, or feeding of Hogs; in the first signification, *Tempore pessona* denotes Mast-time, or the Season when Mast is ripe, which in *Norfolk* they call *Shacking-time*.

Pessurable Wares. Seem to be such Wares or Merchandise as pesser, and take up much room in a Ship, *32 H. 8. cap. 14.*

Peter-Corn, *Rex Athelstanus concessit Deo & beato Petro Ebor, & colideis prædictis de qualibet Carnearum arate in Episcopatu Eboraci unam Travam bladi, Anno Domini 936. quæ usque in presentem diem dicitur Peter-Corn.* *Ex Reg. S. Leonardi Ebor. in Bibl. Cottoniana, fol. 5. a. concessiones travarum vocat.* *Peter-Corn* per totum Archiepiscopatum Ebor. quas imprimis *Ethelstanus* quondam Rex Angliæ concessit Deo & beato Petro & colideis apud Eboracum. *Reg. S. Leonardi Ebor. Cotton. Nero. D. 3. f. 59.*—Contentio inter Magistrum & Fratres Hospitalis S. Leonardi Ebor. & conventum de Malton super trabis carnearum vocat. *Peter-Corn* in crastino S. Botulfi, 1266. *Collect. Rog. Dodsworth. vol. 78. p. 212. MS.*

Petter-men, Those who used unlawful Arts and Engines for catching Fish on the River Thames. See *Stow Survey of Lond. p. 19.*

Petter-Pence, *Denarii, Sancti Petri*, otherwise called in the Saxon Tongue *Romefeob*, the Fee of Rome, or due to Rome; and also *Romefcot* and *Rome-pennyng* was a Tribute given by *Inas* King of the West Saxons, being in Pilgrimage at Rome in the Year of our Lord 720. which was a penny for every Houle, *Lamb. Explication of Saxon Words, verbo Nummus, and fol. 128. in St. Edward's Laws, num. 10.* where we may read these words, *Omnes qui habent 30. denaria sua viva pecunia in domo sua de suo proprio, Anglorum lege dabit denarium sancti Petri, & lege Danorum dimidiam marcam; Ille vero debet summoniri in solennitate Apostolorum Petri & Pauli & Colligi ad festivitatem quæ dicitur ad vincula, ita ut ultra illum diem non detineatur, &c.* See also *King Edgars Laws, fol. 78. cap. 4.* which contain a sharp constitution touching this matter. *Stow* in his *Annals*, pag. 67. saith, That he had twenty penny-worth of Goods of one sort in his Houle, was to give a Penny at *Lammas* yearly. See *Romefcot*.

St. Peter ad vincula, Anno 4. Ed. 4. cap. 1. & 17. Ed. 4. cap. 5. See *Gule of August.*

Petit cape. See *Cape*.

Petit Larceny, Parvum Latrocinium. See *Larceny*.

Petit Treason, Parvo proditione, In French *Petit trahison*, i. prodition minor, Treason of a lesser or lower Kind; for whereas Treason in the highest Kind, is an Offence done against the security of the Commonwealth, *West Symbol. part. 2. tit. Indictment, sect. 63.* So is *Petit Treason*, though not so expressly. *Petit Treason* is, If a Servant kill his Master, a Wife her Husband, a Secular or Religious Man his Prelate, 25 E. 3. ca. 2. whereof see more in *Stamf. pl. cor. lib. 1. cap. 1. Crompton's Justice of Peace, fol. 2.* And for the punishment of it, see the Statute 22 H. 8. 14. and *Crompton supra*.

Petit Sergeanty, Parva Sergeantia; To hold by *Petit Sergeanty*, is to hold Lands or Tenements of the King, yielding him a Knife, a Buckler, an Arrow, a Bow without a String, or other like Service, at the Will of the first Feoffer; and there belongs not Ward,

Ward, Marriage or Relief; And here observe, That none can hold by *Grand or Petit Sergeanty*, but of the King. But see the Statute *Car. 2. ca. 24.*

Petition, Petitio, Hath a general signification for all kinds of Supplications made by an Inferior to a Superior, and especially to one having Jurisdiction and Authority. See *Stansf. præ. cap. 15. 22.*

Petra, Is a sort of Weight, we call it a Stone, but differing in many places of England; somewhere consisting of 16, other-where of 14, 12, or 8 pound.

—*una libra sepi ad candelas valet obolum, & sic valet petra vi. den. una libra sepi ad mortarium valet obolum quadrans, & sic valet petra ix. den.* Regulæ compoti domus de Farendon, MS. *unus quintallus ferri vel æri qui continet ix. petras dimid. lib. valet ix. fol. & sic valet qualibet petra xij. den. qualibet libraden. ib.*

Petrus, Peta, Pete, Combustible Earth dug up in small pieces for fuel.—*ad caviandum petum & calceum & bladum de prædicto manerio suo.*—*Cartular. Abbat. Glaslon. MS. f. 88. b.*

Petra Lanza, A Stone of Wooll. See *Stone*.

Petty-fogger, An irregular Compound, from the French *Petite*, small; and the Saxon *Fogere*, a Suitor or Solicitor: So that a Petty-fogger is an Inferior Attorney or Lawyer, or rather a Trouble-Town, having neither Law nor Conscience.

Pharos, A Watch-Tower; no Man may build or erect any Light-houses, *Pharos*, Sea-marks or Beacons, without lawful Warrant and Authority, 3 *Inst. fol. 204.*

Phyllistr. See *Filacer*.

Pitards, A sort of Boats of fifteen Tun, or upwards, used on the River of Severne, mentioned 34 & 35 *H. 8. ca. 3.* Also a Fishier-boat, 13 *Eliz. 11.*

Picarium, Bicarum, A Bowl or Cup with two Ears or Handles.—*Idem Abbas reliquit unum salarium argenteum, & picarium argenteum, item quatuor cypas de mazeræ.* *Chartular. Abbat. Glaslon. MS. f. 54. a.*

Picage, Picagium, From the French *Piquer*, effodere; Money paid in Fairs, for breaking of the Ground to set up Booths or Stalls, *Aliquis veniens ad forum nostrum de Rudham cum rebus ejus & frangendo vel pillando aliquam placeam in dicto foro, Prior habebit inde redemptionem.* *Ex Registro Priorat. de Cokesford.*

Picheria, Picherus, A Pot, a Pitcher.—*in aliis & picheris emptis ij. den. ob. disca & platellis, ij. den. ob.*—*Consuetud. domus de Farendon, MS. f. 16.*—*extrahet à quocunq; vase in dicta botellaria invento vinum quantum viderit necessarium pro sacra unius pichi claretti quod faciat ad sumptus Regis.*—5 *Ed. 3.*

Pickards, No Person shall use any Iron Cards or Pickards in rowing any Woollen Cloth, upon pain to forfeit the same, and 20 s. for every Offence, Anno 3. & 4. *E. 6. ca. 2.*

Picus, Pica, Pico, An Iron Instrument for digging and pecking. A Pick, a Pick-ax.—*videtur Lathomum inusitatum marros, picas, seculas baulantem, terram fodientem, lapides scindentem, &c.* *vita Rob. Betun Epi Hereford apud Whartoni Angl. Sac. P. 2. p. 302.*

Picle alias Pighrell, Pistellum, A small parcel of Land inclosed with a Hedge, which the common People of England do in some Places call a *Pingle*, and may perhaps be derived from the Italian Word *Picciola*, i. parvus.

Pit-Powder Court, Curia pedis pulverizati, From the French *Pied*, i. pes, and *Poudreux*, i. Pulverulentus: Is a Court held in Fairs, to yield Justice to Buyers and Sellers, and for Redress of all Disorders

committed in them; and so called, because they most usually are in Summer, and the Suiters commonly are Country-People with dusty Feet; or from the expedition intended, in the hearing of Causes proper thereunto, before the dust goes off the Plaintiffs or Defendants feet; it is held *De hora in horam. Sæne de verbor. Signif. verbo Pede-pulverosus*, says the word, signifies a Vagabond; especially a Pedler, which hath no place of dwelling, and therefore must have Justice summarily administered to him, viz. within three ebbing and three flowing of the Sea. *Bracton, lib. 5. tract. 1. cap. 6. num. 6. calleth it Juslitiam pepondivis.* Of this Court, read the Statute 17 *E. 4. ca. 2. Co. 4 Inst. fol. 272.* and *Crompt. Jur. fol. 221.* See *Justices of the Pavilion.*

Pitancia, Pitantia, A Pittance, a small Largess, an allotted Portion of Meat and Drink distributed to the Members of some Collegiate Body, or other People, upon a high Festival, a stated Anniversary, or such like Solemnity.—The design of their Institution is thus delivered in the Statutes of *Ralph Baldok Dean of Pauls, A. D. 1298.*—*Pitantia sunt antiquitus vel noviter instituta propter solemnitatem festorum augmentandam per presentiam multorum quorumcumq; graduum scil. eundem habitum gestantium & officium seu obsequium certo die festivo seu anniversario peculiariter exercentium.* *Ex Libro Statut. Eccl. Paul. London. MS.* See *Pittance*.

Pitantiarius, The Pittancer or Officer in Collegiate Churches, who was to distribute the several pittances at such times, and in such proportions as the several Founders or Donors had appointed.

Pits, (Anno 3. 4 *E. 6. cap. 10.*) Are reckoned among the Books prohibited by that Statute. *Quer' what they are?*

Pig of Lead. See *Fother*.

Pike or Picke. See *Polein*.

Pigmentum, An old potable Liquor made of Honey and Wine, and Spices.—*Ad hæc etiam in tanta abundantia vinum hic videas & siceram, pigmentum & claretum, mustum, &c.* *Girald. Cambr. apud Whartoni Angl. Sac. P. 2. p. 480.*

Pilettus,—*Et quod Forestarii sui non Portabant sagittas barbatus sed Pilettas.* *Carta Rogeri de Quincy 31 H. 3.* Such Arrows as had a round knob a little above the head, to hinder them from going too far into the mark, from the Latin *Pila*, which signifies any round thing like a Ball.

Pille of Foodway or Fouldrey, In the County-Palatine of Lancaster, Anno 2 *H. 6. ca. 5.* seems to be a Defence built on a Creek of the Sea, and call'd *Pille* by the Idiom of the Country for a *Pile*. This *Pile* was erected there by the Abbot of Farnesse, in the first year of *Ed. 3. Cam. Brit. Rex.*—*Dedimus Henrico Comiti Northumberland insulam, castrum, Delam & Domum de Man, &c. Rot. Pat. 1 Hen. 5. m. 36.*

Pilatus, In the Assize of Arms, Anno 36. 4. 3.—*Omnes alii qui possunt habere arcus & sagittas extra forestam habeant; qui vero in foresta habeant arcus & pilatos.* *Dr. Wats* in his Glossary on this word is guilty of a plain mistake: For, says he, *In statuto nostro, Anno 13. Ed. 1. cap. 6. Anglice vertitur bolt, sed videntur ipsi Legales annon potius pro sagittis ferro spiculatis vox sit accipienda.* Nam sagitta spiculum the *Pile*, ad hoc dicimus. *Bolts sunt sagitte catapultarum totæ lignæ & obtusæ quibus aves ferimus.*—The word is properly rendred *Bolts*, i. e. Blunts, or blunted Arrows. For Persons without the bounds of a Forest, might shoot with sharp or pointed Arrows; but within the Forest, to preserve the Deer, they were to shoot only with blunts, or bolts, or picles. For what *Mat. Paris* calls *Pilatus*, is term'd a *Pile* in the Statutes of *William King of Scotland, cap. 23. de venientibus*

entibus ad guerram § 5. & omnes ubiq; qui habere poterunt habeant, arcum & sagittas extra forestam, & infra forestam arcum & pile. Hence Sagitta piletta was oppos'd to Sagitta barbata; this latter the bearded Arrow was made for sharp and deeper execution, but the piled Arrow had a pile or button fix'd near the point, to hinder the entrance of it. As blunts oppos'd to sharps in Rapiers.—Cum intrant prædictam forestam ad versandum Forestarii non portabant in bosco sagittas barbata sed pilettas—Anno 31. H. 1.

¶ Pilla terra, A Pill, a small piece or slip of Ground.—Noveritis me dedisse quatuor casae terræ & unum pillam prati vocatam Walske pille infra parochiam prædictam.—Cart. Thomæ Episc. Batho-Well. Dat. 4. Nov. 4 E. 4.

¶ Pillory, Collustrigium, As it were Collustrigens, and Pillorium, from the French Pelori, and that may seem to be derived from the Greek πύλα, Janua, a Door, because one standing on the Pillory, puts his Head, as it were, through a Door, and 'Oyau video: It is an Engine of Wood made to punish Offenders. There is a Statute made of the Pillory, 51 H. 3. wherein you may see, who were then subject to this punishment: This, among the Saxons, was called Healsfang, of Heals, a Neck, and fang, to take. Lamb Explication of Saxon Words, verbo Mulda. In the Laws of Canutus it is call'd Halsfang. cap. 42. The learned Spelman in his Glossary says, that it is Supplicii machina ad ludibrium magis quam penam. See more there. Vide etiam Healsfang.

¶ Pileus suppositionis, A Cap of Maintenance; Pope Julius sent such a Cap with a Sword to Hen. 8. An. 1514. Hollinsh. pag. 827. but there is mention made of such a Cap by Hoveden pag. 656. at the Coronation of Richard the First, where it is said,—Deinde venerunt Godofridus de Luci portans pileum Regium & Johannes Marescallus juxta eum portans duo calcarea aurea, &c.

¶ Ad pinnas bibere, The old Custom of drinking brought in by the Pines, was to fix a pin in the side of the Wassal-bowl or Wooden-cup, and so to drink exactly to the pin, as now in a seal'd Glas, &c. This provoking Art of Drunkenness was forbid the Clergy, in the Council at London anno 1102. Presbyteri non eant ad potationes, nec ad pinnas bibant. Du Fresne cites this Constitution in the word Pinna, and betraying his ignorance in English matters, would correct the word; Forte (inquit) legendum pilas, i.e. tabernas.

¶ Pinnochium, A Bake-house, Locus pinfandi ubi panes conficiunt, The Book of St. Albans in the Life of Paul the fourth Abbot there, says, Iste hanc Ecclesiam ceteraque edificia, præter Pistrinam & Pinnochium residuavit ex Lapidibus & tegulis veteris civitatis Jerolamii, &c. by which it seems that many of the Ruines of that ancient City remained until that Abbots time, who died Anno 1093.

¶ Pioniers, Cometh of the French Pionier, i. fossor, and signifieth such Labourers, as are taken up for the King's Army, to cast Trenches, and undermine Forts, 2 & 3 E. 6. ca. 20.

¶ Pipe, Pipa, Is a Roll in the Exchequer, otherwise called The great Roll, Anno 37 E. 3. cap. 4. See Clerk of the Pipe. It is also a Measure of Wine or Oyl, containing half a Tun, that is, six score and six Gallons, 1 R. 3. 3.

¶ Pirata, A Pirate, Is now taken for one who maintains himself by Pillage and Robbing at Sea. But in former times the word was used in a better sense, being attributed to such Person to whose Care the Mole or Peer of a Haven was intrusted. And sometimes for a Sea-Soldier, Asser. Menevens: Epist. in vit. Alfre-di.—Rex Alfredus jussit cymbas & galeas, i. longas naves fabricari per Regnum, ut Navali prælio hostibus ad-

ventantibus obviam: Impositisque piratis in illis, vias maris custodiendas commisit.

¶ Piscare, Piscaria, Cometh of the French Pescary, i. Piscatio, and denotes a liberty of fishing in another Man's Waters.

¶ Piscenarius, Is used in our Records for a Fishmonger. Pat. 1 Ed. 3. Pars 3 M. 13. See Puleterius.

¶ Pitell alias Pightell. See Fiele.

¶ Pitt, It is a Hole wherein the Scots use to drown Women-Thieves, Skene.

¶ Pittance, Pitancia, A small repast of Fish or Flesh, Rot. Char. de Anno, 1 Reg. Joh. pag. 2. num. 115. Johannis Dei Gratia, &c. Noverit, &c. nos assensum nostrum præbuisse, &c. de Manerio de Milde-Hall, quod Manerium sancto Edmundo sicut jus suum concessimus, &c. ita quod, qui pro tempore Sacrissa fuerit, 12. de redditu altaris annuatim persolvat Hospitali S. Salvatoris quod est extra muros sancti Edmundi, &c. in usus pauperum, &c. & 40 s. ad refectorem Monachorum, qui illis diebus Officia divina pro defunctis celebrabant, quæ refectio pittancia vocatur. See Spelman verb. Pittanciarium.

¶ Pitching penny, Is that Money which is paid for pitching or setting down every Sack of Corn, or pack of any other Merchandise in Fairs or Markets.

¶ Placard, Anno 2 & 3 P. & M. cap. 7. Is a License whereby a Man is permitted to shoot in a Gun, or use unlawful Games: In French it signifies a Table, where Orders are written, and hung up; and Placcart in Dutch is an Edict or Proclamation. See 33 H. 8. 6.

¶ Placeta, Seems to signify a piece or parcel, if of Lands; and a place, if a House or Messuage; as Placeta Messuagii, Placeta Patri, and Placeta Pallua.

¶ Placitare, i. Litigare & Causas agere, to Plead.

¶ Placitator, A Pleader. Ralph Flambard is Recorded to be totius Regni Placitator in William the Second's time.

¶ Playnt, Querela, Is used for the propounding or exhibiting of any Action personal, or real in writing, and so it is used, Bro. tit. Playnt in Assise; and the party making this Playnt, is called The party Plaintiff, Kitchin, fol. 231.

¶ Planchia, A Plank of Wood. Concessi præterea Materiam in bosco meo de Froma ad prædictum Molendinum reparandum extra planciis Carta Stephani Devereux Mil. 1. All Materials of Wood except Planks.

¶ Plate, A Hoy, or Water-Vessel so called, Anno 13 Eliz. cap. 15.

¶ Placita, Pleas, or Pleadings, or Debates and Trials at Law; yet the word Placita does sometimes signify Penalties, Fines, Mulcts, or Emendations, according to Gervase of Tilbury, or the Black Book in the Exchequer, Lib. 2 Tit. 13. Placita autem dicimus penas pecuniarias in quas incidunt Delinquentes. So in the Laws of Hen. 1. cap. 12, 13. Hence the old Rule of Custom, Comes habet tertium denarium Placitorum, is to be thus understood, the Earl of the County shall have the third part of the Money due upon Mulcts, Fines, and Amercements, impos'd in the Assizes and County Courts.

¶ Plaustrata feni, A Cart Load of Hay.—Concessi unam Plaustratam feni apud Malmesbur. Reg. Priorat. de Wormesley, fol. 64.

¶ Plea, Placitum, Signifies that which either party alledgeth for himself in Court, which was wont to be done in French from the Conquest until Edward the Third, who Ordained them to be done in English in the six and thirtieth year of his Reign, cap. 15. These are divided into Pleas of the Crown and Common Pleas. Pleas of the Crown of Scotland be four, viz. Robbery, Rape, Murder, and wilful Fire, Skene de verb. Signif. verbo Placitum. With us they be all Suits

Suits in the King's Name, against Offences committed against his Crown and Dignity, *Stamf. pl. cor. cap. 1.* Or against his Crown and Peace, *Smith de Rep. Angl. lib. 2. cap. 9.* And those seem to be Treasons, Felonies, Misdemeanors of either, and *Mayhem, Co. 4. Inst. cap. 10.* Edward the First enfeoffed Walter de Burgo in the Land of Ulster in Ireland, excepting the Pleas of the Crown, to wit, Rape, Horstall, wilful Firing and Treasure trove, *Camd. tit. Ireland.* Common-Pleas be those that be held between common Persons, yet by the former definitions they must comprise all other, though the King be a party. Plea may farther be divided into as many Branches as Action; which see, for they signifie all one. Then is there a Foreign Plea, whereby Matter is alledged in any Court, that may be tryed in another. As if one should lay Bastardy to another in Court-Baron, *Kitchin, fol. 75.* The Word *Placitum* is used by the Commentators upon the Feuds in the same signification that Pleas be with us, and placitare with them is *Litigare & causas agere, Hotom. in verb. Feudal. verb. Placitare.*

Pleas of the Sword, *Placita ad gladium*: Ranulph the third Earl of Chester, in the second year of Henry the Third, granted to his Barons of Cheshire an ample Charter of Liberties, *Exceptis placitis ad gladium meum pertinentibus, Rot. Pat. in archivis Regis infra castellum Cestria, 3 E. 4. m. 9.* The Reason was, because King William the Conqueror gave the Earldom of Chester to his Kinsman Hugh, commonly called Lupus, Ancestor to this Earl Ranulph, *Tenere ita libere per gladium, sicut ipse Rex Willielmus tenuit Angliam per coronam.* And consonant thereunto in all Indictments for Felony, Murder, &c. in that County-Palatine, the form was anciently, *Contra pacem Domini Comitum, Gladium & dignitates suas.*

Pleadings, Are all the sayings of the parties to Suits after the Count or Declaration, to wit, whatever is contained in the Bar, Replication and Rejoinder, and not in the Count it self; and therefore Defaults in the matter of Count are not comprised within mispleading, or insufficient pleading, nor are remedied by the Statute of *Jesayles, 32 H. 8.* but only the mispleading or insufficient pleading committed in the Bar, Replication and Rejoinder; but those are now remedied also by 18 Eliz. cap. 13.

¶ *Plebania, Plebanus Ecclesie*, A Mother Church, which has one or more subordinate Chappels.—*Radulfus de Salopia Episcopus Bathon. & Well. univ. Ecclesiam plebanalem de Chywm mensa sua Episcopali. Whar-toni Angl. Sacr. P. 1. p. 569.*

¶ *Plebanus*, A Rural Dean, because the Deaneries were commonly affix'd to the Plebania, or chief Mother Churches within such a District, at first commonly of ten Parishes.—*John Peckham Archbishop of Cant. ordain'd that the Church of Terringes and Chapel of Paschings in the Diocess of Chichester, should be two several Parish Churches.—Volumus igitur ut in Ecclesia de Terryng cum capellis suis de Duryngton & Hyen unus tantum modo presideat Rector in posterum & curam habeat illarum animarum, quas etiam Ecclesia sua habebit vicariam perpetuam residentem qui Plebani sive Decani fungens officio jurisdictionem ordinariam quam eidem vicaria & officio anneximus perpetuo in clero & populo ipsius Ecclesie parochia cum dictis capellis & etiam in parochia de Paschyng habeat & exerceat secundum canonicas Sanctiones.—Ecclesia de Terryng alium Rectorem suum curam animarum habentem optineat in futurum, qui etiam vicariam sub se perpetuum habeat, qui teneatur ibidem personaliter & continue residere & subesse in mandatis canonicis Plebano sive decano de Terryng.—Dat. 4. Febr. 1287. Reg. Eccles. Christi Cantuar. MS.* Yet I believe from this, and other Authorities, it might be infer'd, that *Plebanus* was not the usual Title for

every Rural Dean, but only for such a Parish Priest in a large Mother Church, exempt from the Jurisdiction of the Ordinary, who had therefore the Authority of a Rural Dean committed to him by the Archbishop, to whom the Church was immediately subject.

Pledge, *Plegius*, May be derived from the French *Pleige, fide jussor*, as *Pleiger aucum, i. fide jubere pro aliquo*, in the same signification is *Plegius* used by *Glanville, lib. 10. cap. 5.* and *Plegiatio* for the act of Suretiship in the Interpreter of the Grand Customary of Normandy, cap. 60. *legii dicuntur persone, quae se obligant ad hoc, ad quod qui eos mittit, tenebatur*; And in the same Book, cap. 89, 90. *Plegiatio* is used in the same Sense with *Glanville, S. alii plegii be used for plegii, Pupil. oculi. part. 5. cap. 22. Charta de Foresta.* This word *plegius* is used also for Frank pledge sometime, as in the end of William the Conqueror's Laws, set out by Lambart in his Archaimon. fol. 125. in these words, *Omnis homi qui voluerit se teneri pro libero, sit in plegio, ut plegius cum habeat ad iustitiam, si quid offenderit, &c.* And these be called Capital pledges, *Kitchin, fol. 10.* See Frank-pledge, and *Co. 4. Inst. fol. 180.*

¶ *Pledgery or Plegary, (Lat. Plegium)* Suretiship, an Undertaking or Answering for.

Plegius acquitandus, Is a Writ that lies for a Surety, against him for whom he is Surety, if he pay not the Money at the day, *F. N. B. fol. 137. Regist. of Writs, fol. 158.*

Plena forisfactura & plena vita. See Forfeiture.

Plenary, Is an Abstract of the Adjective *Plenus*, and is used in the Common-Law in matters of Benefices, where *Plenary* and Vacation are direct contraries, *Stamf. pravog. cap. 8. fol. 32. Westm. 2. cap. 5.* Institution is a good *Plenary* against a common Person, but not against the King without induction, *Co. on Lit. fol. 344.*

Plevin, Plevina, from the French *Plaine*, A Warrant or Assurance. See *Replevin*.

¶ *Plight*, Is an old English Word signifying sometimes the Estate with the Habit and Quality of the Land, and extends to Rent Charge, and to a possibility of Dower, *1 Inst. fol. 221. b.*

¶ *Plita terre*, A *Plight*, a *Pightel*, a small portion or spot of Ground.—*Dicunt per sacramentum suum quod tempore Willielmi de Buttone quondam Rectoris Ecclesie de Sow tota decima de plita qua vocatur Levide—Mede cartata fuit apud Sow. Chartular. Abbat. Glaston. MS. f. 76. b.*

Plite of Latyn, Anno 3 E. 4. ca. 5. Seems to be a Measure then in use, as a Yard or an Ell now.

Plonkets, 1 R. 3. ca. 8. A kind of coarse woollen Cloth, otherwise call'd *Versife*.

Plow-Almes, Eleemosyna aratrales, Anciently every *Plow-Land* paid a penny to the Church,—*De qualibet caruca juncta inter Pascham & Pentecosten, unum denarium, qui dicitur Plow-Almes, Mon. Ang. 1. par. fol. 256.*

Plow-Land, Carucata terra, The same with a Hide of Land, which see.

Plurality, Pluralitas, 21 Hen. 8. cap. 13. The having more than one, chiefly applied to some Churchmen, who have two, three or more Benefices. *Selden* in his *Titles of Honour*, fol. 687. mentions *Triality* and *Quadrality*.

Pluries, Is a Writ that goeth out in the third place, after two former Writs have had no effect; for first the original *Capias* issues, and if that speed not, then goeth out the *Alias*, and if that also fail, then the *Pluries*. See *Nat. Brev. fol. 33.* in the Writ *De Excom. capiendo*. See in what diversity of Cases it is used in the Table of the Original Register.

¶ *Pokes*, Side Gowns, or long sleeved Gowns, which fashion grew so affected and extravagant, that the

the wearing of them was prohibited by Philip Repingdon Bishop of Lincoln, in his Injunctions Anno 1410. — *Item quod dicti vicarii & Clerici quicunque & practici cum fuerint reuestiti, inhonestis togis suis cum longis manicis vulgariter Pokes nuncupatis non utantur.* Ex Collectan. Mat. Hutton. S. T. P. M. S.

Pocket of Wool. Is half a Sack, 3 *Inst.* fol. 96. See Sack of Wool.

Pole. See Perch.

Poledavis, A kind of coarse Canvas used by the Salesmen in making up their Ware, 1 *Jac.* cap. 24.

Poleta, The Ball of the Foot. For the lawing or expediting of Dogs within the Forest, it was ordained. — *Ut tres ortilli scindantur de pede anteriori sine poleta.* — *Mat. Par.* sub anno 1214.

Poleine, Was a sort of Shoe, sharp or picked, and turned up at the Toe; They first came in fashion in the Reign of William Rufus, and by degrees came to be of that excessive length, that in Richard the Second's time they were tyed up to the Knees with Gold or Silver Chains, according to the dignity of the Wearer: They were forbidden by Edward the Fourth, in the fifth year of his Reign, under a great penalty, to be worn so long: but were not utterly laid aside till the Reign of Henry the Eighth. *Malmesbury*, in the Life of the fore-mentioned William Rufus, speaking of the Excesses of those times hath these words, *Tunc fluxus crinium, tunc luxus vestium, tunc usus calceorum cum arcuatis aculeis inventus est.*

Pollhachetum, A Poll-hatchet, a Poll-axe. — *Walterus de Blancheney implacitatur eo quod Dominum suum in capite cum quodam pollhacheto felonice percussit.* *Placit.* 12 Ed. 2.

Policy of Assurance, Assuratio, Is a course taken by those who do adventure Wares or Merchandise to Sea, whereby, they unwilling to lose the whole adventure, do give unto some other a certain rate or proportion, as ten in the hundred, or such like, to secure the safe arrival of the Ship, and so much Wares at the place agreed upon; So that if the Ship and Wares do miscarry, the Assurer maketh good to the Adventurer so much as he promised to secure; if the Ship arrive safely, he gaineth that clearly which the Merchant compoundeth to pay him. And for the more even dealing between the Merchant and the Assurer in this case, there is a Clerk or Officer ordained to set down in writing the sum of their Agreement; and this is called *Policy*, to prevent any difference that might after happen between them. This is mentioned 43 *Eliz.* cap. 12. and 14. *Car.* 2. cap. 23. And is now many times used to insure Mens lives in Offices, who have paid great Sums of Money for the purchase thereof, and are insured from that Adventure by a certain Company of Merchants or Citizens, for three or four per Cent. subscribing or under-writing the Agreement, *Policy* or *Insurance*, who do among them share the *Præmium* or Money given, and run the hazard of it.

Pollux, Properly signifies the Thumb, but metaphorically it signifies an Inch, *Pollux* in omni mensura debet mensurari ad radicem unguis & debet stare ex longitudine trium granorum hordei boni sine caudis. *Spelm.*

Pollard, A sort of spurious Coin, which with Crocards were long since prohibited, *Mat. Westm.* in An. 1299. pag. 413. *Pollards*, *Crocards*, *Staldings*, *Eagles*, *Leonines* and *Steepings*, were heretofore several sorts of Money used in England, but long since disused, 2 *Inst.* fol. 577. We also call those Trees *Pollards* or *Pollengers*, which have been usually cropt, and therefore distinguish'd from Timber-Trees. See *Plowden*, fol. 469.

Pollinctors, The Embalmers of dead Bodies, such as prepare them for their Funeral and Interment,

Ulp. de Inst. Aft. l. quicunque Si libitinarium inquit servum pollinctorem haberit, isque mortuum spoliaverit, dandum in eum quasi actionem inlitorum.

Polygamus, Is he that is married to two, or more Wives together, 3 *Inst.* fol. 88.

Pondage. See Poundage.

Pone, Is a Writ, whereby a Cause depending in the County-Court, or other inferior Court, is removed in the Common-Pleas, *Old Nat. Brev.* fol. 2. See in what diversity of Cases it is used in the Table of the Original Register.

Poll-Poney, Capitatio, Was a Tax Ordained by Act of Parliament, 18 *Car.* 2. cap. 1. & 19. *Car.* 2. cap. 6. By the first of which every Subject in this Kingdom was Assessed by the Head or *Poll*, according to his degree, viz. every Duke 100 li. every Marquess 80 li. &c. Baronets 30 li. Knight 20 li. Esquire 10 li. &c. and every single Person 12 d. &c. And that this is no new Tax, appears by former Acts of Parliament, where, *Quilibet tam conjugatus, quam solutus utriusque sexus pro capite suo solvere cogebatur*, *Parliam.* Anno 1380. *Walsingham Ypod.* 534. There was anciently (says Camden in his Notes upon Coins) a Personal Tribute called *Capitatio* (*Poll-silver*) imposed upon the *Poll* or Person of every one, of Women from the twelfth, of Men from the fourteenth year of their age.

Pomellum, Properly a round Ball set on the top of any Building, à pomi similitudine, *Fr. Pommeau*, *Pommelle*, *Engl.* *Pommell* or *Pummell*. — *Ecclesia S. Pauli London.* continet in longitudine DCLXXX. pedes, in latitudine CXXX. pedes — altitudo fabrica lapideæ campanilis ejusdem Ecclesie continet à plana terra CCLX. pedes, altitudo fabrica ligneæ continet CCLX. pedes, attamen in toto non excedit quingentos XX. pedes. Item pomellum ejusdem campanilis continet in sua cœnæ vitate si fuerit vacuum X. bussellos bladi, cujus rotunditas diametri continet XXXV. uncias quæ faciunt tres pedes, &c. *Ex Chronico Eccles. Sarisber. Cotton. Cleopatra.* B. 4.

Pondus, Poundage, Which Duty with that of Tonnage, was anciently paid to the King according to the weight and measure of Merchants Goods. — *Rex majori & civibus Winton.* & omnibus has literas inspersurus salutem. Sciatis quod dedimus dilecto & fidelis nostro Britoni Balistario pondus civitatis nostræ Winton. & portum borealem ejusdem civitatis cum omnibus ad prædictum pondus & portum pertinentibus. — *Pat.* 1 H. 3. m. 10.

Pondus Regis, The Standard weight appointed by our ancient Kings. — Anno 35. Ed. 1. *Preceptum* fuisset Majori & Vicecom. Lond. Cum inter ceteros Articulos quos Rex per cartum pro se & hereditibus suis concessit Mercatoribus extraneis & alienigenis cum bonis & mercandisiis suis infra regnum & potestatem Regis vententibus ordinaverit quod in qualibet villa mercatoria & feria infra idem regnum & potestatem Regis Pondus Regis in certo loco ponatur; & ante ponderationem statera in presentia emptoris & venditoris vacua videatur; & quod brachia ejusdem statera sint equalia & extunc ponderator ponderet in equali, & cum statera posuerit in equali amoveat manus suas, ita quod remaneat in equali, per quod Dominus Rex pluries precepit quod ejusdem Mercatoribus ordinationem Regis prædictam — facerent in omnibus invariabiliter observari. — Ac ipsi Major & Vicecom. concessione Regis prædictam reprobando Regi significarunt quod modus ponderandi averia ponderis ad civitatem London. venientia à tempore quo non extat memoria talis extitit & adhuc existit, quod statera semper trabat meliorem hoc est versus rem emptam & eodem modo venduntur dicta averia Archiepiscopis, Episcopis, Comitibus, Baronibus, &c. Dominus Rex eis adhuc precepit firmiter injungens quod ordinationem Regis prædictam invariabiliter observari

observari facerent, & Pondus Regis in certo loco ponerent. Ex libro Placitorum temp. Regum Ed. 1. & Ed. 2. MS. f. 159. From this good Authority it seems easie to infer that what we call *Troy weight* was this *Pondus Regis* or *le Roy weight*, with the Scales in equilibrium, as we now say *Gold weight*. Whereas the *Aver du pois* was the fuller weight with a declining Scale, which had been the common use within the City of London.

Pone per Eadium. Is a Writ commanding the Sheriff to take Surety of one for his appearance at a day assigned. Of this see five sorts in the Table of the Register Judicial, verbo *Pone per Vadium*.

Ponendis in Affis. Is a Writ founded upon the Statute of *Westm. 2. cap. 38.* and upon the Statute of *Articuli super Chartas, cap. 9.* which Statutes do shew what persons Sheriffs ought to impanel upon *Affises* and *Juries*, and what not; as also what number, which see in *Reg. Orig. fol. 178. F. N. B. fol. 165.*

Ponendum in Ballium. Commanding a Prisoner to be bailed in causes bailable, *Reg. Orig. fol. 133.*

Ponendum sigillum ad exceptionem. Is a Writ, whereby the King willeth the Justices, according to the Statute of *Westm. 2.* to put their Seals to Exceptions laid in by the Defendant against the Plaintiffs Declarations, or against the Evidence, Verdict, or other Proceedings before the Justices.

Pontage, Pontagium. Is a Contribution towards the maintenance or re-edifying of Bridges, *Westm. 2. cap. 25. Anno 13 Ed. 1.* It may also signifie Toll taken to this purpose of those that pass over Bridges, *39 Eliz. cap. 24. 1 H. 8. cap. 9. 22 H. 8. cap. 5.* Per pontagium clamat esse quid de operibus pontium, *Plac. in Itin. apud Cestriam, 14 H. 7.* See Mr. Kennett's Glossary in *Pontagium*.

Pontibus reparandis. Is a Writ directed to the Sheriff, &c. willing him to charge one, or more, to repair a Bridge, to whom it belongeth, *Reg. Orig. fol. 153.*

Porca, A Ridge of Land. See *Ridge of Land*.

Porcary, Porcaria, A Swinefly. *Doomday.*

Porter of the Door in the Parliament House. Is an Officer belonging to that High and Honorable Court, and enjoys the Priviledges accordingly, *Crompt. Jurisd. fol. 11.*

Porter in the Circuit of Justices. Is an Officer that carries a white Rod before the Justices in *Eyre*, so called a *Portando virgam*, Anno 13 Ed. 1. cap. 41. See *Vergers*. There is also a *Porter* bearing *Verge* before the Justices of either Bench.

Portreeve, Portreevius. In *Saxon* *Pontrepepe*, that is, *urbis vel portus prefectus*; Signifies with us a Magistrate in certain Sea-Coast Towns; and as *Camden* in his *Brit. pag. 225.* saith, The chief Magistrate of London was so called, as appears by a Charter of King William the Conqueror to the same City, in these Words.

William King, Greete William Bishop and Godfry Portreeve, and all the Burgeis within London, French and English: And I grant you, That I will that you be all your Law-worth that ye were in Edwardis dayes the King: And I will that each Child be his Faders Ever, and I will suffer, that any man you any wrongys beed. And God you keep.

In whose stead Richard the First Ordained two Bayliffs, but presently after him King John granted them a Mayor for their yearly Magistrate.

Portiforium. The Ecclesiastical Ensign or Banner provided of old in all Cathedral, and most Parochial Churches, to be solemnly carried in the front of any Procession, &c.—*Magnum Portiforium ex parte Decani vocatum Standard propter vetustatem fuit nimis defectivum.*—*Articuli in visitat. Eccl. Ebor. Anno 1390.*

Portioner, Portionarius. Where a Parsonage is served sometimes by two, or sometimes by three Ministers alternately: The Ministers are called *Portioners*, because they have but their portion or proportion of the Tithes or Profits of the Living.

Portmen. Anno 13 Eliz. cap. 24. The twelve Burgeses of Ipswich are so called. So also are the Inhabitants of the Cinque-Ports, according to *Camden*.

Portmote. Is a compound of *Ponte*, *portus*, and *gemot*, *conventus*, and signifies a Court kept in Haven-Towns, as *Swainemote* in the Forest. It is called the *Portmote Court*, 43 Eliz. cap. 15. *Curia portmotorium est curia in civitate Cestrie coram majore in aula Motorum tenenda, Pl. in Itin. Ibid. 14 H. 7.*

Portmannimote. The *Portmote*, or *Portmens Court*, held not only in a Port or Haven Town, as the following word *Portmote* is ignorantly rendred, but in any City, Town, or Community.—*Sampson Dei Gratia Alb. S. Edmundi, &c. facta est compositio inter nos & Burgeses de villa S. Edmundi—ad Portmannimote ante Festum S. Petri ad vincula—Ex Cartular. S. Edmundi. MS.*

Portoos. See *Portuas*.

Portsale. Anno 35 H. 8. cap. 7. Is the Sale of Fish, as soon as it is brought into the Haven.

Portsoke. The Soke or Liberties of any Port, i. e. City, or Town. *K. Henry 3.* by Charter dated 16 Mart. Anno Regni 11. grants to the Citizens of London.—*Quietantiam murdri infra urbem & in Portsoke, i. e. within the Walls of the City, and the Liberties without the Walls. Placit. temp. Edw. 1. & 21. MS. f. 143. penes dom. Fontains.*

Portuas. (Anno 3 & 4 Ed. 6. cap. 10.) Is reckoned amongst Books prohibited by that Statute, perhaps it may be the same which *Chaucer* calls a *Port-hole*, and which is elsewhere written *Portoos & Portoos*. It is the Book we now call a *Breviary*, for thus *Chaucer*:

For on my Porthole I make an Oath.

Vide *Shene verbo Portcois.*

Portse Comitatus. See *Power of the County*.

Posse. Is an Infinitive Mood, but used Substantively to signifie a Possibility, as we say, such a thing is in *posse*, that is, such a thing may possibly be; but of a thing in being, we say it is in *esse*.

Possession, Possessio. Is twofold, actual and in Law: actual Possession is, when a Man actually enters into Lands and Tenements to him descended. Possession in Law is, when Lands or Tenements are descended to a Man, and he hath not as yet actually entred into them, *Stamf. pl. cor. fol. 198.* As for example, Before or until an Office be found of Lands escheated by an Attainder, the King hath only a possession in Law, and not in Deed, *Stam. prarog. fol. 54, 55.* There is also a Unity of possession, which the Civilians call *Conolidationem*. See an example of this in *Kitchin, fol. 134.* If the Lord purchase the Tenancy held by Heriot-service, then the Heriot is extinct by unity of Possession, that is, because the Seignior and the Tenancy be now in one Man's possession. Many other divisions

visions of possessions you may read in *Bracton*, lib. 2. cap. 17. per totum.

Post- See *Per*.

Posta, In French *Poste*, a swift or speedy Messenger, *Sic dictus* (saith *Spelman*) quasi *posita*, quod in via publica ponitur ad stationem debitam decurrendum.

Post conquestum, Was first inserted into the King's Title by *Edward the Third*, Anno 1328. *Claus.* 2. Ed. 3. in *Dorso*. m. 33.

Post diem, Is the return of a Writ after the day assigned, for which the *Custos brevium* hath four Pence, whereas he hath nothing if it be returned at the Day; sometimes it is taken for the Fee it self.

Post Disseisin, *Post Disseisina*, Is a Writ given by the Statute of *Westm.* 2. cap. 26. and lies for him that having recovered Lands or Tenements by *Præcipe quod reddat*, upon default or reddition, is again disseised by the former Disseisor, *F. N. B.* fol. 190. See the Writ that lies for this in the *Register*, fol. 208.

Post fine, Is a Duty belonging to the King, for a fine formerly acknowledged before him in his Court, which is paid by the Cognisee, after the same is fully passed, and all things performed touching the same; the Rate thereof is so much, and half so much as was paid to the King for the Fine, and is collected by the Sheriff of the County, where the Land, &c. lies whereof the Fine was levied; to be answered by him into the Exchequer.

Post terms, *Post terminum*, Is a return of a Writ, not only after the day assigned for the return thereof, but after the *terms* also, for which the *Custos brevium* takes the Fee of twenty pence. Sometimes also it is taken for the Fee it self.

Postea, Is the return of the proceedings by *Nisi prius* into the Court of Common-Pleas after a Verdict, and there afterwards recorded. See *Plowden*, fol. 211. *Saunders's Case*. See also an example of it in *Cokes Reports*, vol. 6. fol. 41, 42. See *Custos brevium*.

Posteriority, *Posterioritas*, The coming after or being behind, is a word of comparison, and relation in tenure, the correlative whereof is Priority; for a man holding Lands or Tenements of two Lords, holdeth of his ancienter Lord by Priority, and of his later Lord by Posteriority, *Stam. prærog.* fol. 10, 11. When one Tenant holdeth of two Lords, of the one by Priority, of the other by Posteriority, &c. *Old Nat. Brev.* fol. 94. Co. 2. *Inst.* fol. 392.

Postnati, In the Seventh year of King *James*, after many Arguments and long Debates, It was by all the Judges Resolved, That such as were born in *Scotland*, after the descent of the Crown of England to King *James*, were no Aliens in England: But the *Antenati*, that is, such as were born before that descent, were Aliens in regard of the time of their Birth, Co. 7. *Reports*, *Calvin's Case*.

Postulatio, A Postulation made upon the unanimous Voting any Person to a Dignity or Office, of which he is not capable by the ordinary Canons or Statutes, without special dispensation. So a Chapter postulated a Bishop actually possess'd of another See. And the Religious postulated a Prelate to be taken from another Convent, from which he could not pass by the ordinary Rules of the Society. By the old Customs, an Election could be made by a majority of Votes, but a Postulation must have been *Nemine contradicente*.

Post Pond, (*Post Pone*) Set or put after another. 22 & 23 Car. 2. *Subsidy Act*.

Post, A Head-piece for War, 13 Car. 2. cap. 6.

Post-Asbes, Are made of the best Asbes, Anno 12. Car. 2. cap. 4. and are used in making of Soap; some are made in England, but the best are brought from beyond Sea.

Portionatus, *Poysoned*, *Vita M. S. Vulsi* 3. *Abbat* S. *Albani*.—*Postea in brevi migravit ad incolatum hujus mundi, ut dicitur portionatus, cum odio conventus & maledictione.*

Pound, *Parcu*, Signifies a place of strength to keep Cattel in that are distrained, and put there for any Trespas done, until they be replevied or redeemed; and this is called a *Pound*, Overt or Open *Pound*, and because it is built upon the Lord's waste, the Lord's *Pound*, see *Kitchin*, fol. 144. It is divided into open and close; An open or overt *Pound*, is not only the Lord's *Pound*, but a Backside, Court, Yard, Pasture-Ground, or whatever place else, whither the Owner of the Beasts impounded may come to give Meat and Drink, without offence, for their being there, or his coming thither. A close *Pound* is contrary, whither the Owner cannot come for the purposes aforesaid, without Offence.

Poundagium, The liberty of pounding Cattle. — *In americanis transgressionum, separationibus fossatorum, & poundagiis animalium, possessionem continuavit.* *Hist. Croyland.* contin. p. 519.

Poundbreach. See *Pundbrech*.

Poundage, Is a Subsidy to the value of twelve pence in the *Pound*, granted to the King, of all manner of Merchandise of every Merchant, as well Denizen as Alien, either exported or imported, and of such Subsidies. See the Statutes 1 & 2 Ed. 6. cap. 13. and 1 Jac. cap. 33. 12 Car. 2. cap. 4. and 14 Car. 2. cap. 24.

Pourallee. See *Pursieu*.

Purchase, *Perquisitum*, Cometh of the French *Pourchasse*, *solicitare*; it signifieth the buying of Lands or Tenements with Money, or by any other Agreement, and not the obtaining of it by descent, *Conjunctum perquisitum*, a Joynt-purchase, *Reg. Orig.* fol. 143.

Pour sale proclamee, que null inject fines ou ordres en fosses, ou rivières pres Cityes, &c. Is a Writ directed to the Mayor, Sheriff or Bayliff, of a City or Town, commanding them to proclaim, That none cast filth into the Ditches or Places near adjoining, and if any cast already, to remove it. This is founded upon the Statute, 12 R. 2. 13. *F. N. B.* fol. 176.

Pourparty, *Propars*, *Propartis*, *Propartia*, Is contrary to *pro indiviso*; for to make *Pourparty*, is to divide and sever the Lands that fall to *Parceners*, which before partition they hold joyntly, and *pro indiviso*, *Old Nat. Brev.* fol. 11.

Pourpreshure, *Pourpreshura*, From the French *Pourpris*, *consepum*, an inclosure: It is thus defined by *Glanville*, lib. 9. cap. 11. *Pourpreshura est propriè quando aliquid super Dominum Regem injuste occupatur; ut in Dominici Regis, vel in viis publicis obstructis, vel in aquis publicis transversis à recto cursu, vel quando aliquis in civitate super Regiam plateam aliquid edificando occupaverit, & generaliter quoties aliquid sit ad nocumentum Regii tenementi vel Regie vie vel civitatis.* *Crompton* in his *Jurisd.* fol. 152. defines it thus, *Pourpreshure* is properly when a Man taketh unto himself, or incroacheth any thing that he ought not, whether it be in any Jurisdiction, Land or Franchise; and generally when any thing is done to the Nuisance of the King's Tenants. See *Kitchin*, fol. 10. and *Mumwoods Forest Laws*, cap. 10. *Skene de verbor. Signif.* verbo *Purpreshure*, makes three sorts of this offence, one against the King, a second against the Lord of the Fee, the third against a Neighbour by a Neighbour. See Co. 2. *Inst.* fol. 38. & 272.

Pour seisin 'terres la feme que tient en Dower, &c. Was a Writ whereby the King seised upon the Land which

which the Wife of his Tenant that held in *Capite*, deceased, hath for her Dowry, if she married without his leave; and is grounded upon the Statute of the King's Prerogative, *Cap. 3.* See *F. N. B. fol. 174.*

Poursuivant, From the French *Poursuivre*, i. *persequi*, Signifies the King's Messenger attending upon him in his Wars, or at the Council-Table, Exchequer, in his Court, or his Chamber, to be sent upon any Occasion or Message; as for the apprehending of a person accused, or suspected of any Offence: Those that be used in Martial Causes are call'd *Pursuivants at Arms*, 24 *H. 8.* 13. whereof there be four of special Names, which see in the word *Herald*. And *Stow* speaking of *Richard* the Third's death, pag. 784. hath these Words, *His Body was naked to the Skin, not so much as one Clout about him, and was trussed behind a Pursuivant at Arms like a Hog, or a Calf, &c.* The rest are used upon other Messages in time of Peace, and especially in matters touching Jurisdiction. See *Herald*.

Pourveoyor, *Provisor*, Derived from the French *Pourvoir*, i. *providere*, Signifies an Officer of the King or Queen, or other great Personage, that provideth Corn and other Victual for their House. See *Mag. Charta*, cap. 22. and 3 *Ed. 1.* cap. 7. & 31. & anno 28. *eisdem*, *Articuli super Chartas*, 2. and other Statutes; but this Office is limited by 12 *Car. 2.* cap. 24. See *Pourveyance* and *Achate*.

Pourveyance, Is the providing Corn, Fuel, Victual, and other Necessaries for the King's House. By 12 *Car. 2.* cap. 24. It is provided, That no Person or Persons, by any Warrant, Commission or Authority, under the Great Seal, or otherwise, by colour of buying or making provision or *Pourveyance* for his Majesty, or any Queen of England for the time being, or that shall be, or for his, their, or any of their Household, shall take any Timber, Fuel, Cattel, Corn, Grain, Malt, Hay, Straw; Victual, Cart, Carriage, or other thing whatsoever of any the Subjects of his Majesty, his Heirs or Successors, without the full and free consent of the Owner or Owners thereof, had or obtained without Menace or Enforcement, &c. See the Antiquity of Pre-emption and *Purveyance*, &c. and 3. *Inst.* fol. 82.

Pouchia, A Pouch, a Poke, a Sheath, a Scabbard. — *Etiā ex transversis ventris sub umbilico habentes culellos, quos daggerios vulgariter vocant, in Powchiis desuper impositis.* Will. Thorn sub anno 1248.

Power of the County, *Possē Comitatus*, In the Opinion of *Lambert* in his *Eirenarcha*, lib. 3. cap. 1. fol. 309. containeth the Aid and Attendance of all Knights, Gentlemen, Yeomen, Labourers, Servants, Apprentices, and all others, above the Age of fifteen Years within the County, because all of that Age are bound to have Hardness by the Statute of *Winchester*: But Women, Ecclesiastical Persons, and such as are decrepit, or labour of an infirmity, shall not be compelled to attend. And the Statute of 2 *H. 5.* cap. 8. says, *That Persons able to travel, shall be assisant in this Service*, which is used where a Possession is kept upon a forcible Entry, or any Force or Rescue used, contrary to the Command of the King's Writ, or in opposition to the Execution of Justice.

Poledavis. See *Poledavis*, 1 *Jac.* 24.

Poyntings Law, Is an Act of Parliament made in Ireland by *Hen. 7.* and so called, because Sir *Edward Poyntings* was Lieutenant there when it was made, whereby all the Statutes in England were made of force in Ireland, which before that time were not, neither are any now in force there which were made in England since that time. See *Cokes* 12. *Rep.* fol. 190. *Hill.* 10 *Jac.*

Pray age. See *Age prior*.

Pray in Ayd. See *Ayd*.

Pratum falcabile, A Meadow or Ground fit for Mowing, *Juratores dicunt quod prædicta placea à tempore quo, &c. fuit prædictum falcabile usque ad prædictum annum quod.* W. *prædictus illud aravit*, Trin. 18 *Ed. 1.* in *Banco Rot.* 50.

Prata terræ, A certain quantity or measure of Ground. — *Sunt quinquaginta acra terræ in Cornub. in Camwaret, qualibet acra de xx pratis in longitudine & iv. pratis in latitudine, & qualibet prata de xij. pedibus in longitudine, quæ acra jacent, &c.* *Fines* anno 8 *Ric. 1.*

Preamble, *Proemium*, Takes Name from the Proposition *præ*, before, and *ambulo* to walk; as if we would say, To walk before: And hereof the beginning of an Act is called *The preamble*, which is as a Key to open the intent of the Makers of the Act, and the Mischiefs which they would remedy by the same. As for example, the Statute made at *Westminster* the First, chap. 37. which gives an Attain: The preamble is thus, Forasmuch as certain People doubt very little to give false Verdicts or Oaths, which they ought not to do, whereby many People are disherited, and lose their Right. It is provided, &c.

Prebend, *Præbenda*, Is the portion which every Member, or Canon, of a Cathedral Church, receiveth in the right of his Place for his Maintenance: So *Canonica portio* is properly used for that share, which every Canon or *Prebendary* receiveth Yearly out of the common Stock of the Church; And *Præbenda* is a several Benefice, rising from some Temporal Land, or Church appropriated, towards the Maintenance of a Clerk, or Member of a Collegiate Church, and is commonly surnamed of the place whence the profit groweth. And these *Prebends* be either *simple*, or *with dignity*; *Simple Prebends* be those that have no more but the Revenue towards their Maintenance. *Prebends with dignity* are such as have Jurisdiction annexed to them, according to the divers Orders in every several Church. Of this, see more in the *Decretals*, tit. *De præbendis & dignitat.* *Præbenda* was also in old Deeds used for *Provender*, as the learned *Spelman* saith, *Ex lib. M. S. Roffensis Ecclesiæ*, cap. *Quid mensura granarii continent.* See Mr. *Kenner's* Glossary in the word *Præbenda*.

Prebendary, *Præbendarius*, Is he that hath a *Prebend*, and is so called, a *Præbendo auxilium aut consilium Episcopo vel Decano.*

Prebendary nomen, A Precarious Title at Will and Pleasure of the Lord. — *Hanc terram teneo de permissione & sola gratia Walteri Cispin Camerarii Glasstonie quamdiu sua sederit voluntati nomine precario & nullo juris titulo.* *Chartular. Glasston.* MS. f. 122. b.

Precaria, Are Days-Works, which the Tenants of some Mannors are bound, by reason of their Tenure, to do for the Lord in Harvest; and in divers places are vulgarly call'd *Bind-days* for *Biden-days*, which in the Saxon *Dies precarias* sonat. For *Biden* is to pray or intreat. This Custom is plainly set forth in the great Book of the Customs of the Monastery of *Batell*, tit. *Apelderham*, fol. 60. *Johannes Aylmer tenet per irrotulamentum Curie, unum Mess. & unam Virgatam terræ, &c. & debet invenire unum hominem, &c. & etiam debet venire, quolibet anno ad duas precarias carucas cum caruca sua si habeat integram carucam, vel de parte quam habeat carucas quoniam habet, si carucam non habeat integram & tunc arare debet utroque die quantum potest à mane usque ad meridiem, & uterque lenor, viz. caruca & fugatorum habeant unum passum solennem utroque die prædictarum precariarum,* &c.

Ecce. &c. debet invenire ad 3. precarias in Autumno 2. homines, &c. See more in *Spelman's Glossary*, verbo *Precaria*. See *Bede's*.

Præces, Has anciently been used in the same sense with *Precaria*.

Præce partium, Is when a Suit is continued by the prayer, assent or agreement of both Parties, Anno 13 E. 1. cap. 27.

Præceptum, *Præceptum*, Is diversly taken in Law, as sometime for a Commandment in Writing, sent out by a Justice of Peace, or other like Officer, for the bringing of a Person or Records before him, of which you have divers examples in the Table of the *Register Judicial*. And in this sense it seems to be borrowed from the Customs of *Lombardy*, where *præceptum* significeth *Scripturam vel instrumentum*, Hotom. in verb. *Feudal*. & lib. 3. *Commentar in libros feudor in præfatione*. Sometimes it is taken for the provocation, whereby one man incites another to commit a Felony, as Theft, Murder, &c. *Stamf. pl. cor. fol. 105. Bradon*, lib. 3. tract. 2. cap. 9. calls it *Præceptum* or *Mandatum*. Whence we may observe three diversities of offending in Murder, *Præceptum*, *Portia*, *Consilium*, *Præceptum* being the instigation used beforehand; *Portia*, the assistance in the Fact, as to help to bind the party murdered or robbed; *Consilium*, advice either before or in the Fact. The *Civilians* use *Mandatum* in this Case.

Præceptoria, *Præceptoria*, Anno 32 H. 8. cap. 24. were Benefices in a kind, are termed *Præceptories*, because they were possessed by the more eminent sort of the Templers, whom the chief Master by his Authority created and called, *Præceptores templi*. *Joach. Steph. de Jurisdic. lib. 4. cap. 10. num. 27.* Sixteen of these are recorded, viz. *Cressing-Temple*, *Balsball*, *Shengay*, *Newland*, *Teveley*, *Witham*, *Temple-Bruere*, *Wallington*, *Rotbely*, *Ovenington*, *Temple-Combe*, *Tiebigb*, *Ribstan*, *Munt St. John*, *Temple-Newsum*, and *Temple-hurst*. *Monast. Ang. 2. par. fol. 543.* See Mr. *Kennett's Glossary* in the word *Præceptoria*.

Præcipe quod reddat, Is a Writ of great diversity both in its form and use, for which see *Ingressus* and *Entry*. This form is extended as well to a Writ of Right, as to other Writs of Entry or Possession, *Old Nat. Brev. fol. 13.* and *F. N. B. fol. 5.* It is called sometime a Writ of Right close, as a *Præcipe in Capite*, where it issueth for a Tenant holding of the King in chief, as of his Crown; and not of the King, as of any Honour, Castle or Mannor, *Reg. Orig. fol. 4.* and *F. N. B. fol. 5.* Sometime a Writ of Right Patent, as when it issues out of the Chancery Patent, that is, open to any Lords Court for any of his Tenants de-forded against the Deforcor, and must be determined there. Of which read more at large *F. N. B. cap. 1.*

Præcipe in Capite, *Mag. Chart. cap. 24.* Was a Writ issuing of the Court of Chancery, for a Tenant holding of the King in chief, as of his Crown, and not as of any Honour, Castle or Mannor, *Regist. fol. 4.*

Præcontract, 2 & 3 Ed. 6. cap. 23. Is a *Contract* made before another *Contract*, but hath relation especially to Marriages.

Prædial Tythes, *Decima Prædiales*, Are those which are paid of things arising and growing from the Ground only, as Corn, Hay, Fruit of Trees, and such like, 2 E. 6. 12. See *Co. Inst. fol. 649.*

Præemption, *Præemptio*, Was a Privilege allowed the King's Purveyor, to have the first buying of Corn and other Provision, before others, for the King's House, which is taken by a late Statute made 12 Car. 2. cap. 24.

Præfine, (Stat. 22 & 23 Car. 2. for an Impos-

sition on Law) is that Fine which is paid upon suing out the Writ of Covenant, V. 2. *Instit.* See *Post-fine*.

Prælate, *Prælatum*, We usually interpret to be an Archbishop or Bishop: But *Spelman* in his Glossary says, *Prælati Ecclesiæ vocantur nedom superiores ut Episcopi, sed etiam inferiores, ut Archidiaconi, Presbyteri, Plebani & Rectores Ecclesiarum, sic enim in Bulla Privileg. apud Mat. Par. in Hen. 3. sub anno 1246. Innocentius, &c. universis tam Cathedralium quam aliorum Prælatum, necnon Patronis Ecclesiarum Clericis & Laicis per Regnum Angliæ constitutis salutem, &c. pag. 476.*

Premisses. See *Habendum*.

Premium, *Premium*, A Reward; Amongst Merchants it is used for that Sum of Money which the ensured gives the Ensurer for ensuring the safe return of any Ship or Merchandise, Anno 19 Car. 2. cap. 1.

Præmunire, Is either taken for a Writ so called, or for the Offence whereupon the Writ is granted. The one may be sufficiently understood by the other; We may therefore take notice, That heretofore the Church of Rome, under pretence of her Supremacy, and the Dignity of St. Peter's Chair, took upon her to bestow most of the Bishopricks, Abbathies, and other Ecclesiastical Livings of worth here in England, by Mandates, before they were void, pretending therein a great Care to see the Church provided of a Successor before it needed: Whence it sprung, That these Bulls were called *Gratis Expellative*, or *Provisions*, whereof you may read a learned Discourse in *Duarenus*, in his Treatise *De Beneficiis*, lib. 3. cap. 1. and in his Treatise *De immunitate Ecclesiæ Gallicanæ*. These Provisions were so frequent with us, that at last King Edward the Third, not digesting so intolerable an Encroachment, made a Statute in the twenty fifth year of his Reign, Stat. 5. cap. 22. and another Stat. 6. cap. 1. and a third Anno 27. against those that drew the King's People out of the Realm, to answer touching things belonging to the King's Court: And another Anno 28. Stat. 2. cap. 1, 2, 3, 4. whereby he much restrained this Usurpation of the Pope; nevertheless he still adventured the Continuation of these Provisions, insomuch that King Richard the Second likewise made a Statute against them in the Twelfth year of his Reign, cap. 15. and likewise in his thirteenth year, Stat. 2. cap. 2. wherein, mentioning the said first Statute of Edward the Third, he ratified the same, and appointed the punishment of those that offended against it, to be *Perpetual Banishment*, *Forfeiture of their Lands, Tenements, Goods, and Chattels*, &c. And again, in the sixteenth year of his Reign, to meet more fully with all the Shifts invented to defraud these former Statutes, he set forth the Offence more particularly, with the same punishment for it, as in the former Statute. After him, King Henry the Fourth in like manner vexed with these and other Abuses not fully met with in the former Statutes, in the second year of his Reign, cap. 3, 4. addeth certain new Cases, and lays upon the Offenders in them the same Censure, whereto I refer you, as also to 9 H. 4. cap. 8. and 3 H. 5. 4. concerning which, and the danger that hath been threatened thereby, with the necessity thereof since the uniting of the Supremacy, both Ecclesiastical and Temporal in the King, read Sir Thomas Smith *de Repub. Angl. lib. 3. cap. 9.* 'Tis true, some later Statutes do cast this punishment upon other Offenders, as namely, the Statute of 1 Eliz. cap. 1. upon him that denies the King's Supremacy the second time, &c. And the Stat. 13 Eliz. cap. 2. upon him that affirms the Authority of the Pope, or refuseth to take the Oath of Supremacy. And the Stat. 13 Eliz. cap. 1. such as be Seditious Talkers of the Inheritance of the Crown,

or affirms the Queen to be an Heretick. And the Statute 13 Car. 2. cap. 1. upon such as affirm the Parliament begun at Westm. 3. Novemb. 1640. is not yet dissolved: Or that there is any Obligation by Oath, Covenant or Engagement whatsoever, to endeavour a change of Government either in Church or State: Or that both, or either House of Parliament, have or hath a Legislative Power without the King. And the Word is applied most commonly to the Punishments first Ordained by the Statutes before-mentioned, for such as transgressed them, but in later times (as we have shewn) imposed upon other Offences; For, where it is said, That any Man for an Offence committed, shall incur a *præmunire*, it is meant, that he shall incur the same punishment which is inflicted upon those that transgress the Statute made 16 R. 2. cap. 5. commonly called the Statute of *Præmunire*, which kind of reference is not unusual in our Statutes: As to the Etymology of this word *Præmunire*, some think it proceedeth from the strength given to the Crown by the former Statutes, against the Usurpation of a Foreign Power, which Opinion may receive Ground from the Statute 25 E. 3. stat. 6. cap. 1. But others think it may be deduced from the Verb *Præmonere*, being barbarously turned into *Præmunire*; which corruption is taken from the rude Interpreters of the Canon Law, who indeed do put the effect *Præmunire* many times for the sufficient cause *Præmonere*, according to the Proverb, *He that is well warned, is half armed*. Of which a reason may be gathered from the form of the Writ, *Præmunire facias præpositum &c. J. R. Procuratorem, &c. quod tunc sint coram nobis, &c.* Which words can be referred to none, but the parties charged with the Offence. See 3. Inst. fol. 119.

Prender, Is the power or right of taking a thing before it is offered; from the French *Prendre*, id est, accipere: It lies in *Render*, but not in *Prender*, Co. Rep. 1. par. Sir John Peter's Case.

Prender de Baron, Signifies literally to take a Husband; but it is used as an Exception, to disable a Woman from pursuing an Appeal of Murder against the Killer of her former Husband, *Stamf. pl. cor. lib. 3. cap. 59.*

Prepensed, *Præpensus*, Fore-thought; as *Malice prepensed*, *Malitia præcogitata*, when a Man is slain upon a sudden Quarrel; yet if there were *Malice prepensed* formerly between them, it makes it *Murder*; or, as it is called in the Statute 12 Hen. 7. cap. 7. *prepensed Murder*. See *Murder*, and 3. Inst. fol. 51.

Præpositus Ecclesiæ. See *Church Reeve*.

Præpositus Alty, Is sometimes used for the Constable of a Town, or Petit Constable, *Crompt. Jur. fol. 205.* Howbeit the same Author, fol. 194. seemeth to apply it otherwise, for there *Quatuor homines præpositi* be those four men, that for every Town must appear before the Justices of the Forest in their Circuit: It is used sometime for a Reeve, or for a chief Officer of the King in a Town, Mannor or Village. See *Reeve*. *Animatia & res inventa coram ipso & sacerdotibus decedente erant*, Leg. Edw. Conf. cap. 28. This *Præpositus Villa* in our old Records, does not answer to our present Constable, or Headborough of a Town; but was no more than the Reeve or Bayliff of the Lord of the Mannor, sometimes called *Serviens Villa*. By the Laws of Hen. 1. the Lord answered for the Town where he was Resident; where he was not, his *Dapifer* or *Seneschal*, if he were a Baron; but if neither of them could be present, then *Præpositus & quatuor de unaquaque villa*; the Reeve, and four of the most substantial Inhabitants, were summon'd in. See Dr. Brady Glossary to Introduct. to Engl. Hist. p. 57.

Prærogative of the King, *Prærogativa Regis*, Derived from *Præ*, ante, and *Rogare*, to ask or demand. Is that special Power, Pre-eminence or Priviledge, which the King hath over and above other Persons, and above the ordinary course of the Common Law, in the right of his Crown, *Potest Rex ei, lege sua dignitatis, condonare si velit, etiam mortem promeritam*, Leg. Ed. Conf. cap. 18. And the Civilians use this Word *Prærogative* in the same sense: Among the Feudists it is termed, *Jus regaliū, jus regaliū, vel à nonnullis jus Regaliū*. And as the Feudists, *Sub jure Regaliū*. So our Lawyers, *Sub prærogativa Regis*, do comprise all that absolute height of power that the Civilians call *Majestatem vel potestatem, vel jus imperii*, subject only to God. Which *Regalia* the Feudists divide into two sorts, *Majora & minora regalia*; for to use their own Words, *Quædam regalia dignitatem, prærogativam & imperii præminentiam spectant; quidam vero ad utilitatem & commodum pecuniarium immediate attinent, & hac propriè fiscalia sunt & ad jus fisci pertinent*. *Peregr. de jure filii, lib. 1. cap. 1. num. 9.* See also *Arnoldus Chapmanus, de arcanis imperii, lib. 1. cap. 11.* By which it appears, That the Statute of the King's *Prærogative* made 17 E. 2. contains not the King's whole *Prærogative*, but only so much thereof as concerns the profit of his Coßers, growing by virtue of his Regal Power and Crown; for it is more than manifest, That his *Prærogative* extends much farther, yea even in the matters of his profit, which that Statute especially consisteth of; For the King hath many Rights of Majesty peculiar to himself, which the learned in the Law term *Sacra sacrorum*, that is, Sacred, and *individa*, inseparable, because they cannot be sever'd, which are many and various; and if you would satisfie your self therein, read *Stamf. prærog. the Stat. Prærogativa Regis, 17 E. 2. Plowden in the Case of Mines, F. N. B. fol. 31. 31 H. 8. cap. 13. Co. lib. 10. tit. 1.* The learned *Spelman* calls it *Lex Regia dignitatis*.

Prærogative of the Bishop of Canterbury or York, *Prærogativa Archiepiscopi Cantuariensis sive Eboracensis*, Is an especial Pre-eminence that these Sees have in certain Cases above ordinary Bishops within their Province, of which whoever desires to receive more full Information, may read the Book intituled, *De Antiquitate Britannicæ Ecclesiæ, & nominatim de privilegiis Ecclesiæ Cantuariensis historia*, and especially in the Eighth Chapter of that Book, pag. 25.

Prærogative Court, *Curia prærogativa Archiepiscopi Cantuariensis*, Is the Court wherein all Wills be proved, and all Administrations taken, that belong to the Archbishop by his *Prærogative*; that is, in case where the deceased had Goods of any considerable value out of the Diocess, wherein he died; and that value is ordinarily sli. except it be otherwise by composition between the said Archbishop and some other Bishop, as in the Diocess of London it is ten Pound: And if any Contention grow between Two, or more, touching any such Will or Administration, the Cause is properly debated and decided in this Court: the Judge whereof is termed *Judex Curie Prærogativæ Cantuariensis*, the Judge of the *Prærogative Court* of Canterbury. The Archbishop of York hath also the like Court, which is termed *His Exchequer*, but far inferior to this in power and profit.

Præbiteratus, *Judex quorum totius Angliæ*, Was a Temporal Office in H. 3. time, being the *Custas Rotulorum*, or Comptroller of the King's Exchequer, for the Jews *Scaccarii Judæismi Nostri*, *Claus. 27 H. 3. Pars 13. M. 3.*

Præbiterium, The Presbytery, i. e. The Quire or Chancel so called, because it was the place appropriated

priated to the Bishop and Priests, and other Clergy, while the Laity were confin'd to the Nave or Body of the Church.—*Cruz se subito evellens, cum ad medium Presbyterii venisset, versus altare se vertens retro ad terram cecidit*—capite versus in troitum Presbyterii, & pedibus ad altare porreclis. Girald. Cambrensis, apud Wharton. Angl. Sac. P. 2. p. 428.

Prescription, Prescriptio, Is a Title, taking his substance of use, and time allowed by the Law, which is beyond the memory of Man, *Kitchin, fol. 104.* faith thus, *Prescription* is, when for continuance of time, *ultra memoriam hominum*, a particular Person hath particular Right against another particular Person; With whom agrees *Co. lib. 4. fol. 32. and Co. on Lit. fol. 140.* But as in the *Civil Law*, so likewise in the *Common*: *Prescription* may be in a shorter time, at least in some special Cases. As for example, Where the Statute 1 H. 8. cap. 9. faith, That all Actions popular must be sued within three years after the Offence committed: And the Stat. 7 H. 8. 3. that four years being past after the Offence committed in one case, and one year in another, no Suit can be commenced. And the Stat. 31 Eliz. cap. 5. faith, That all Actions, &c. brought upon Statute, the penalty whereof belongs to the King, shall be brought within two years after the Offence committed, or else be void. And the Stat. 39 Eliz. cap. 1. 2. faith, That Actions brought after two Years by any common person, or after three years by the King alone for decay of Husbandry, shall be of no force: Whosoever offendeth against any such Statute, and escapes unquestion'd for two years or three, of the two later of the three fore-mentioned Statutes, may justly be said to have *prescribed* against that Action. The like may be said of the Statute made 23 Eliz. cap. 1. which faith, That all Offences comprised in that Statute, made in the Thirteenth year of Eliz. cap. 2. are inquirable before both *Justices of Peace* and *Astize* within a year and a day after the Offence committed: Also the Title that a man attaineth by the passing of five years, after a Fine acknowledged of any Lands or Tenements, may justly be said to be obtained by *prescription*: And whereas the Statute made 8 R. 2. cap. 4. faith, That a Judge, or Clerk, convicted for false entering of Pleas, may be fined within two years; the two years being past, he *prescribeth* against the punishment of the said Statute: And whereas the Statute 11 H. 7. says, That he which will complain of Maintenance or Embracery, whereby perjury is committed by a Jury, must do it within six days, those six days ended, the Parties *prescribe*; and divers other Statutes have the like limitation of time, whence may arise a like *prescription*. See *Action perpetual and temporal*. See *Lamb. Eiren. lib. 4. cap. 5. pag. 469.* *Crompt. Just. of Peace, fol. 173.* Of this *prescription*, and the learning touching the same, see *Co. Rep. 4. Lutterell's Case, fol. 84.* *Prescriptio est jus quoddam, ex tempore congruens, autoritate legum vim capiens, penam negligentibus inferens & finem litibus imponens*—*Quadragesimalis prescriptio omnem prorsus actionem excludat. Reformatio Legum Eccles. pag. 246.* See 2 Inst. fol. 652. *Stamf. prerog. cap. 8. and Co. 7. Rep. Baskerville's Case.*

Presentare ad Ecclesiam, Originally denotes the Patron's sending or placing an Incumbent in the Church, and is made only for *representare*. Such is Mr. Selden's Law, or rather Prejudice, in his *Hist. of Tithes*.

Presentation, Presentatio, Is used properly for the Act of a Patron, offering his Clerk to the Bishop, to be instituted in a Benefice of his Gift; the form whereof, see in *Reg. Orig. fol. 322.*

Presentee, Is the Clerk that is so presented by the Patron: In the Stat. 13 R. 2. ca. 1. mention is made

of the King's *Presentee*, that is, he whom the King presents to a Church.

Presentment, Is a meer denunciation of the Jurors themselves, or some other Officer, as *Justice, Constable, Searcher, Surveyor, &c.* (without any information) of an Offence inquirable in the Court whereunto it is presented, *Lamb. Eiren. lib. 4. cap. pag. 467.*

President, Praeses, In a legal sense denotes the King's Lieutenant in a Province or Function, as the *President of Wales, York, Berwick, or of the King's Council, 22 H. 8. cap. 8. and 24 H. 8. 3. 14.*

Præd, Is used for a Duty in Money to be paid by the Sheriff, upon his account in the Exchequer, or for Money left, or remaining in his hands, 2 & 3 Ed. 6. cap. 4.

Præst-Donny, Is so called of the French word *Præst*, that is, *promptus expeditus*, for that it binds those that receive it, to be ready at all times appointed, being meant commonly of Soldiers, 18 H. 6. 19. 7 H. 7. 1. 3 H. 8. 5. and 2 E. 6. 2.

Præstation-Donny, Præstatio, A paying or performing, is a Sum of Money paid by Archdeacons yearly to their Bishop *pro exteriori jurisdictione*—*Et sint quieti a præstatione Muragii, Cart. H. 7. Burgens. Mount-Gomer.* *Præstatio* was also anciently used for *Purveyance*. See Mr. Phillip's Book on that Subject, pag. 222. And see *Spiritualities*.

Presumption, Presumptio, Is of three sorts, 1. *Violent*, which is many times a full proof; as if one be kill'd in a House, and a Man is seen to come out of the House with a bloody Sword, and no other person was at that time in the House; this, though but a *presumption*, is as a proof. 2. *Probable*, which hath but a small effect. 3. *Levis, seu temeraria*, which is of no prevalency at all: So in case of a Charter or Feoffment, if all the Witnesses to the Deed be dead; the *violent presumption*, which stands for a proof, is continual and quiet possession, *Co. on Lit. lib. 1. cap. 1. sect. 1.* *Presumptio stat in dubio*, it is doubted of, yet accounted *Veritatis comes*, quatenus in contrarium nulla est probatio, ut regula se habet, *stabitur præsumptio donec probetur in contrarium.* *Presumption* was anciently taken for intrusion.—*Assultus, Roberia, Sterbrech, præsumptio terra vel pecunia Regis, Thesaurus inventus, &c. Leg. Hen. 1. cap. 11. De his que sunt jure Regis.*

Presented Right or Title, Jus præsumum, Is where one is in possession of Lands or Tenements, and another who is out claims it, and sues for it: Here the *pretensed right and title* is said in him who doth so claim and sue.

Prævaricate, Prævaricare, Is, when a Man falsely and deceitfully seems to undertake a thing, *ea intentione*, that he may destroy it, *Dicitur prævaricator quasi varicator, a varia certatione, quia adversam partem adjuvat proposita sua propria causa, dum huic inflat corpore ex una parte & illi mente & corde ex altera parte.* *Vocabul. utriusque juris. verb. Prævaricatores.*

Præce. See *Value*.

Pricked Bread.—*Molendinario septem panes de conventu & septem panes de Pricked Bread, Monast. Angl. 1 par. fol. 498.*

Prick gavel. In the Lordship of *Rodeley*, in the County of *Gloucester*, is used and paid unto this day, as a Rent to the Lord of the Mannor by certain Tenants, in duty and acknowledgment to him for their liberty and priviledge of fishing in the River *Severne* for Lamprays. *Taylor's History of Gavel-kind, cap. 9. fol. 112, 113.*

Primo beneficio. See *Beneficio*.

Priddle, Is sometimes joined to an Accusative, and sometimes to a Genitive Case, as *Priddle Calendas*, and *Priddle*

Prædie Calendarum, is the day before the *Calends*, that is, the last day of every Month.

Præmagis, Is a Duty due to the Mariners and Sailors, for the loading of any Ship at the setting forth from any Haven, Anno 32 H. 8. cap. 14. which, in some places, is a penny in the pound, in others six pence for every Pack or Bayl, or otherwise, according to the Custom of the place.

Præmiser (still), *Præmiser*, The first possession or *seisin* was heretofore used as a branch of the King's *Prærogative*, whereby he had the first possession, that is, the future profits for a year of all the Lands and Tenements, whereof his Tenant (that held of him in *Capite*) died *seised* in his Demelue as of Fee, his Heir then being at full age; until he do his Homage, or if under age, until he were of Age; *Stamf. prærog.* cap. 3. and *Bracton*, lib. 4. tract. 3. cap. 1. But all the charges arising by *Præmiser seisin* are taken away by the Stat. made 12 Car. 2. ca. 24.

Præmiser, *First fruits*, Are properly the first of our increase offered to God; but in our Law, are the profits after avoidance of every spiritual Living for one year. See 26 H. 8. ca. 3. 32 H. 8. 45. 1. Mar. Sess. 2. ca. 10. and 1 Eliz. ca. 4. See *First-Fruits*.

Primogenitura, *Primogenitura*, The Title of an Elder Brother in right of his Birth: The reason of which, Co. upon *Lit.* says is, *Qui prior est tempore, prior est iure*, affirming moreover, That in King Alfred's time, *Knights Fees* descended to the Eldest Son, for that by the division of such Fees between Males, the defense of the Realm might be weakened. And Judge *Dadderidge* in his Treatise of Nobility saith, pag. 119. It was anciently Ordained. That all Knights Fees should come unto the eldest Son by Succession of Heritage, whereby he succeeding his Ancestors in the whole Inheritance, might be the better enabled to maintain the Wars against the King's Enemies, or his Lords. And that the *Socage* should be partible among the Male-Children, to enable them to increase into many Families, for the better furtherance in and increase of Husbandry.

Prince, *Princeps*, Is sometimes at large taken for the King himself, but more properly for the King's Eldest Son, who is *Prince of Wales*, as the Eldest Son to the French King is called *Dauphine*; both being born Princes, *Fernes Glory of Generosity*, pag. 138. Before Edward the Second, who was born at Carnarvon, and the first English Prince of Wales, the King's Eldest Son was styled Lord Prince, *Stamf. prærog.* ca. 22. fol. 75. See 27 H. 8. ca. 26. and 28 H. 8. 3. and *Stow's Annals*, pag. 303.

Principal, *Principallum*, A Heyrloome, which see. In *Diebenfield*, in the County of Hereford, certain *Principals*, as the best Beast, the best Bed, best Table, &c. pass to the Eldest Child, and are not liable to partition. Also the chief person in some of the Inns of Chancery, is called *Principal* of the House. See *Ancient & Hæredes tenementorum infra hundredum de Stretford post mortem Antecessorum suorum habebunt Principallum Angl.* an Heir-loom, videl. de quolibet genere catallorum, utensilium, &c. optimum plastrum, optimum camicam, optimum cyphum, &c. *Bridall Speculum Juris Anglicani*, p. 90. where it is fully wrote *Principallum* for *Principallum*.

Principality of Chester, Anno 21 Rich. 1. ca. 9. See *County Palatine* and *Crompton's divers Jurisdictions*, fol. 137.

Prior, *perpetual*, or *Dative and removeable*. Anno 9 Rich. 2. ca. 4. and 1 E. 4. cap. 1. Lord Prior of St. Johns of Jerusalem, 26 H. 8. ca. 2.

Priori alieni, *Priores alieni*, Were Religious Men born in France, and Governors of Religious Houses, erected for Outlandish Men here in England, which

were by King Henry the Fifth, after his Conquests in France, thought no good Members for this Land, and therefore suppressed them; whose Livings afterwards were by King Henry the Sixth given to other Monasteries and Houses of Learning, *Stow's Annals*, pag. 582. and 1 H. 5. ca. 7. but especially to the erecting of those two famous Colleges, called the one *Kings College* in Cambridge, the other *Eaton*, 2 par. *Inft.* fol. 584.

Priority, *Prioritas*, Signifies an Antiquity of Tenure, in comparison of another not so ancient, as to hold by *priority*, is to hold of a Lord more anciently than of another, *Old Nat. Brev.* fol. 94. So to hold by *Posteriority* is used in *Stamf. prærog.* cap. 2. fol. 11. And *Crompton* in his *Jurisd.* fol. 117. useth this word in the same signification. The Lord of the *Priority* shall have the custody of the Body, &c. and fol. 120. If the Tenant hold by *Priority* of one, and by *Posteriority* of another, &c. to which effect, see also *F.N.B.* fol. 142. *Bartolus* in his Tractate *De insignis & armis*, useth these words, *Prioritas & posterioritas*, concerning Two that bear one Coat-Armor.

Prisage, Is that custom or share that belongs to the King, out of such Merchandise as are taken at Sea by way of lawful Prize, Anno 31 Eliz. ca. 5.

Prisage of Wines, Anno 1 H. 8. ca. 5. Is a word almost out of use, being now call'd *Butlerage*, (because the King's chief Butler receives it;) It is a Custom whereby the Prince challengeth out of every Bark laden with Wine, containing less than forty Tun, two Tun of Wine, the one before, the other behind the Mast at his own price, which is twenty shillings a Tun, yet this varies according to the Custom of the Place: For at *Boston*, every Bark laden with ten Tuns of Wine, or above, pays *Prisage*. See *Butlerage* and *Calthrop's Reports*, fol. 20. and 4. par. *Inft.* fol. 30.

Memorandum, *Quod Rex habet ex antiqua consuetudine de qualibet Nave mercatoris vini 6. carcat. applicat. infra aliquem portum Anglia de viginti dolis, duo dolia & de decem dolis unum de prisâ Regis pro quodam certo ab antiquo constitut. solvend. P. Rec. 20. R. 2.*

Prisâ, *Prisâ*, From the French *Prendre*, *capere*, signifies in our Statutes the things taken of the King's Subjects by *Purveyors*, Anno 13 E. 1. ca. 7. and 28 E. 1. stat. 3. ca. 2. It signifies also a Custom due to the King, 25 E. 1. ca. 5. *Reg. Orig.* fol. 117. In foraneis paginis antiquis (says the learned *Spelman*) *prisâ* plerumque intelliguntur de annona reiue frumentaria captivibus aliis etiam necessariis, ob alenda, instruendaque castrorum presidia, necnon & Regiam familiam minori quam justo pretio agricolas arreptis, &c. In Rescripto quodam, Anno 3 E. 1. *Norfil.*—Rogerus de Monte alto qui sororem & hæredem Hugonis de Albeney, &c. desponsaverat, clamat habere libertates has subscriptas, viz. Castellum suum de Rysinge cum Prisis 40. dierum, &c. Ubi clausulum cum prisâ 40. dierum intelligi de libertate capiendi visibilia que vocant ad sustentationem presidarii militis castri sui, ita quod pretium reddat infra 40. dies. See 12 Car. 2. ca. 24.

Prison, *Prisona*, Is a place of restraint for the safe custody of a person to answer any Action personal or criminal; And here we are to note, That this *salva custodia* must only be *custodia non pena*, for *cavere ad homines custodiendos non ad puniendos dari debet*, Co. on *Lit. lib. 3. ca. 7. sect. 438.*

Prisoner, *Prisonarius*, *captivus*, From the French *Prisonnier*, signifies a man restrained of his Liberty upon

upon any Action civil or criminal, or upon Commandment: And a Man may be a Prisoner upon matter of Record, or matter of Fact. Prisoner upon matter of Record is he, which being present in Court, is by the Court committed only upon Arrest, be it by the Sheriff, Constable, or other, *Stamf. pl. cor. lib. 1. cap. 32. fol. 34. & 35.*

Privation, Privatio, A bereaving or taking away, most commonly applied to a Bishop or Rector of a Church, when, by Death, or other act, they are deprived of their Bishoprick or Benefice. See *Co. on Lit. fol. 329.*

Privy, Derived of the French *Privé*, i. *Familiaris*, Signifies him that is partaker, or hath an interest in any Action or thing, as *privies of Blood, Old Nat. Brev. fol. 117.* be those that are linked in Consanguinity; every Heir in tail is *privy* to recover the Land intailed, *Id. fol. 137.* No *privy* was between me and the Tenant, *Littleton, fol. 105.* If I deliver Goods to a man, to be carried to such a place, and he after he hath brought them thither, *Stamf. pl. cor. lib. 1. cap. 15. fol. 25.* Merchants-privy be opposite to Merchants-strangers, 2 E. 3. 9. & 14. The Author of the *New Terms of the Law* maketh divers sorts of *privies*, viz. *Privies in Estate, Privies in Deed, Privies in Law, Privies in Right, and Privies in Blood*; where you may read examples of each of them in the word *Privy*. See *Perkins 821, 832, 833.* and *Co. lib. 3. fol. 23. Walker's Case, and lib. 4. fol. 123, 124.* mentions four kinds of *Privies*, viz. *Privies in Blood*, as the Heir to his Father. *Privies in Representation*, as Executors or Administrators to the deceased. *Privies in Estate*, as he in the Reversion, and he in the Remainder, when Land is given to one for Life, to another in fee, for that their Estates are created both at one time. The fourth is *privy in Tenure*, as the Lord by escheat, that is, when the Land escheateth to the Lord for want of Heirs. See *Co. on Lit. lib. cap. 8. fol. 161.*

Privy-Seal, Privatum sigillum, Is a Seal that the King useth to such Grants, or other things, as pass the Great Seal; first they pass the *Privy-Signet*, then the *Privy-Seal*; and lastly, the Great Seal of England. The *Privy Seal* is sometimes used in things of less consequence, that never pass the Great Seal. No Writs shall pass under the *Privy-Seal*, which touch the Common Law, 2. *Inst. fol. 555.*

Priviledge, Privilegium, Is defined by Cicero in his Oration *pro domo sua*, to be *lex privata homini irrogata*. It is, says another, *Jus singulare*, whereby a private man, or a particular Corporation, is exempted from the rigor of the Common Law. It is sometimes used in the Common Law for a place that hath any special immunity, *Kitchin, fol. 118.* *Priviledge* is either personal or real; a *personal priviledge* is that which is granted to any person either against or beyond the course of the Common Law: As for Example, A Member of Parliament may not be arrested, nor any of his Servants, during the sitting of the Parliament; nor for a certain time before and after. A *priviledge real*, is that which is granted to a place, as to the Universities, that none of either may be called to Westminster-Hall, upon any Contract made within their own Precincts, or prosecuted in other Courts: And one belonging to the Court of Chancery cannot be sued in any other Court, certain Cases excepted, and if he be, he may remove it by Writ of *Priviledge*, grounded upon the Stat. 18 E. 3. See the *New Book of Entries, verbo Priviledge.*

Privity, Privitas, Private Familiarity, inward Relation: If there be Lord and Tenant, and the Tenant holds of the Lord by certain Services, there is a *privity* between them in respect of the Tenure. See *Privy.*

Probate of Testaments, Probatio, Testamentorum, Is the exhibiting and proving Wills and Testaments before the Ecclesiastical Judge, delegated by the Bishop, who is Ordinary of the place, when the party dies. And the Ordinary is known by the quantity of the Goods that the deceased hath out of the Diocess wherein he departed; for if all his Goods be in the same Diocess, then the Bishop of the Diocess, or the Archdeacon (according as their composition or prescription leads) hath the *probate of the Testament*: But if the Goods be dispers'd in divers Diocesses, so that there be any sum of Note (as five pounds ordinarily) out of the Diocess where the party lived; then is the Archbishop of Canterbury the Ordinary by his Prerogative. See *Prerogative of the Archbishop.* This Probate may be made in two sorts, in common form, or per testes. The proof in common form is only by the Oath of the Executor or Party exhibiting the Will, who sweareth upon his belief, That the Will exhibited by him, is the last Will and Testament of the deceased. The proof per testes is, when over and besides his own Oath, he also produces Witnesses, or makes other proof to confirm the same, and that in the presence of such as may pretend any interest in the Goods of the deceased, or at least in their absence, after they have been lawfully summoned to see such a Will proved, if they think good. And the later course is taken most commonly when there is fear of strife, or dispute about the deceased's Goods. For some hold that a Will proved in common form only, may be called in question any time within thirty years after. And where a Will disposes of Lands and Tenements of Freehold, it is now frequently proved by Witnesses in Chancery.

Probator, An Accuser, or Approver, or one who undertakes to prove a crime charg'd upon another. The Word was strictly meant of any Accomplice in Felony, who to save himself confess'd the Fact, and accus'd any other Principal or Accessory, against whom he was bound to make good the Charge by Duel, or Trial by the Country, and then was pardoned Life and Members, but yet to suffer Transportation. — *Cum Probator persequerit quod promissit, tenetur ei conventio, scilicet ut vitam habeat & membra. Sed in regno remanere non debet, etiam si velit plegios invenire.* *Bracton. vid. Fleta, lib. 2. cap. 52. § 42. 44.*

Procedendo, Is a Writ whereby a Plea or Cause, formerly called from a base Court to the Chancery, Kings-Bench, or Common-Pleas, by Writ of *Priviledge* or *Certiorari*, is released and sent down again to the same Court, to be proceeded in there, after it appeareth that the Defendant hath no cause of *Priviledge*, or that the matter comprised in the Bill be not well proved, *Bro. hoc titulo, and Co. vol. 6. fol. 62.* In 21 Rich. 2. cap. 11. in fine; Letters of *Procedendo* granted by the Keeper of the *Privy-Seal*. See in what divers manners it is used in the Table of the *Original and Judicial Writs, Anno 21 Jac. cap. 23.*

Processe, Processus, So also a *procedendo ab initio usq; ad finem*, is the manner of proceeding in every Cause, being the Writs and Precepts that go forth upon the Original upon every Action, being either Original or Judicial, *Britton, fol. 138.* wherein there is great diversity, as you may see in the Table of *F. N. B. verbo Processus, and Broke hoc tit.* Sometimes that only is called *The processe*, by which a man is called into the Court, because it is the beginning or the principal part thereof, by which the rest of the business is directed, according to that saying of Aristotle, *ἡ ἀρχὴ παντὸς τοῦ κινήτου.* Divers kinds of *Processe* upon Indictments, see in *Cromp. Just. of Peace, fol. 123, 124, 125.* and Lamb. in his Treatise of *Processe*, adjoining to his *Eirenarcha.* *Special Processe* is that which

which is especially appointed for the Offence by Statute, for which he refers his Reader to the Eighth Chapter of his Fourth Book. The difference between *Process* and *Precept*, or *Warrant* of the Justices, is this, The *Precept* or *Warrant* is only to attach and convent the party before any Indictment or Conviction, and may be made either in the Name of the King or the Justice. But the *Process* is always in the King's Name, and usually after an Indictment, Co. 8. Rep. Blackmore's Case.

Procession, In Cathedral and Conventual Churches, the Members had their stated *Processions*, wherein they walked two and two in their most ornamental Habits, with Hymns, Musick, and other suitable expressions of solemnity and respect to the occasion. In every Parish there was a Customary Procession of the Parish Priest, the Patron of the Church, with the chief Flag or holy Banner, and the other Parishioners in *Ascension Week*, to take a Circuit round the Limits of the Manor, and pray for a Blessing on the Fruits of the Earth. To this we owe our present Custom of *Perambulation*, which is still in most places call'd *Processioning*, and going in *Procession*, tho' we have lost the Order, and almost the Devotion, as well as the Pomp and Superstition of it.

Prochein amy, *Proximus amicus vel propinquior*, The next Friend; is used in the Common Law for him that is next of Kin to a Child in his Nonage, and is in that respect allowed by Law to deal for him in the managing his Affairs, as to be his Guardian, if he hold any Land in *socage*, and in the redress of any wrong done to him, Stat. Westm. 1. cap. 48. and Westm. 2. cap. 15. and is in the prosecution of any Action at Law per *Guardianum*, where the Plaintiff is an Infant; & per *proximum amicum*, where the Infant is Defendant. See Co. 2. Inst. fol. 261.

Processum continuando, Is a Writ for the continuance of a *Process*, after the death of the chief Justice, or other Justices in the Writ of *Oyer and Terminer*, Regist. Orig. fol. 128.

Proffo alias **Prove**, Is used for an Enquest, Anno 28 E. 3. cap. 13.

Proclamation, *Proclamatio*, Is a notice publicly given of any thing, whereof the King thinks fit to advertise his Subjects, and so it is used, 7 Rich. 2. cap. 6.

Proclamation of Rebellion, Is a publick Notice given by the Officer, that a man not appearing upon a *Subpoena*, nor an *Attachment* in the Chancery, shall be reputed a Rebel, unless he render himself by a day assigned in this Writ, *Crompt. Jur.* fol. 92. See *Commission of Rebellion*.

Proclamation of a Fine, Is a Notice openly and solemnly given at all the *Affises* held in the County, within one year after the engrossing it. And these *Proclamations* are made upon transcripts of the Fine, sent by the Justices of the Common Pleas to the Justices of *Affise*, and the Justices of Peace. West. Symb. 2. par. tit. *Fines*, sect. 132. where also you may see the form of the *Proclamation*, *Proclamare est valde & palam clamare*, E. N. B. fol. 85. says, That the King's *Proclamation* is sufficient to stay a Subject from going out of the Realm. See the strength of *Proclamations*, Anno 31 H. 8. cap. 8. See also *Proclamations* in divers cases, New Book of Entries, verbo *Proclamations*.

Proctor, *Procurator*, Is he who undertakes to manage another mans Cause in any Court of the Civil Law or Ecclesiastical, for his Fee, *Qui aliena negotia gerenda suscipit*.

Pro confesso, Is, when upon a Bill exhibited in Chancery, the Defendant appears, and is in contempt

for not answering, and is in Custody; upon a *Habeas Corpus* (which is granted by Order) to bring him to the Bar, the Court assigns him a day to Answer, which being expired, and no Answer put in, a second *Habeas Corpus* is granted, and a further day assigned; by which day, if he Answer not, the Bill, upon the Plaintiffs motion, shall be taken *pro confesso*, unless cause be shewed by a day, which the Court usually gives; and for want of such cause shewed upon motion, the substance of the Plaintiffs Bill shall be decreed, as if it had been confessed by the Defendants Answer. As it was in the Case of *Filmore and Denny*, Hill. 1662. Or after a fourth insufficient Answer to the Bill, the matter of the Bill not sufficiently answered unto, shall be taken *pro confesso*.

Proctors of the Clergy, *Procuratores Cleri*, Are those who are chosen and appointed to appear for the Cathedral, or other Collegiate Churches; as also for the Common Clergy of every Diocess at the Parliament, to sit in the Lower House of Convocation; and this is the manner of their Election. First, The King directeth his Writ to the Archbishop of each Province, for the summoning of all Bishops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally of all the Clergy of his Province, assigning them the time and place in the said Writ: Then the Archbishops proceed according to custom; One example shall serve for both. The Archbishop of *Canterbury* upon his Writ received, directeth his Letters to the Bishop of *London*, as his Dean Provincial: First, citing himself peremptorily, and then willing him to cite in like manner all the Bishops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally all the Clergy of his Province to the place, and against the day prefixed in the Writ; but directeth withal, that one *Proffor* be sent for every Cathedral or Collegiate, and two for the Body of the inferior Clergy of each Diocess: And by Vertue of these Letters authentically sealed, the said Bishop of *London* directeth his like Letters severally to the Bishop of every Diocess of the Province, citing them in like sort, and commanding them not only to appear, but also to admonish the said Deans and Archdeacons personally to appear, and the Cathedral or Collegiate Churches, as also the Common Clergy of the Diocess to send their *Proffors* to the place at the day appointed; and also willet them, to certifye the Archbishop the Names of all and every so warned by them, in a Schedule annexed to their Letter certificatory. The Bishops proceed accordingly, and the Cathedral and Collegiate Churches, and also the Clergy make choice of their *Proffors*; which done, and certified to the Bishop, he returneth all at the day. These *Proffors* of the Clergy had heretofore place and suffrage in the Commons House of Parliament, as appears by the Statute 21 R. 2. cap. 2. & 12. See *Prolocutor* and *Convocation*, and see 4. Inst. fol. 4.

Procuratorium, The *Procuratory* or Instrument by which any Person or Community did constitute or delegate their Proctor or Proctors, to represent them in any Judicial Court or Cause.

Procuratores Ecclesie Parochialis, The Church-Wardens, who were to act as Proxies and Representatives of the Church, for the true Honour and Interest of it.—*Johannes Peris sen. & Johannes Bailly Procuratores Ecclesie parochialis de Acle*. Paroch. Antiquit. p. 562.

Procurations, *Procuraciones*, Are certain Sums of Money which Parish-Priests pay yearly to the Bishop or Archdeacon, *ratione visitationis*. They were anciently paid in necessary Victuals, for the Visitor and his Attendants, but afterward turn'd into Money.

Procuratio

Procuratio is defined by *Vallenſis* to be *Neceſſarium ſumptuum exhibitio, quæ ratione viſitationis, debetur ab Eccleſia vel Monafterio ei cui ex officio incumbit jus & onus viſitandi, ſive iſe ſit Episcopuſ, ſive Archidiaconuſ, ſive Decanuſ, ſive Legatuſ ſummi Pontificiſ, Anno 1290. Memorandum, Quod die Mercurii in feſto ſanctæ Lucæ Evang. Dominuſ Episcopuſ cepit procuratorem ſuam in cibis & potibz apud Bordesley & pernoctavit ibidem, Giſſ. fol. 226. See an Hiſtorical Diſcourſe of Procurations and Synodals, Printed 1661. Theſe are alſo called *Proxies*, ſee *Dyer*, fol. 273. and *Claſſ. Rot.* 31 E. 1. m. 15. Dorſo.*

Procurator, Is uſed for him that gathereth the Fruits of a Benefice for another man, *Anno 3. R. 2. ſtat. 1. cap. 3.* and *Procurator*, for the Writing or Inſtrument whereby he is Authoriſed: They are at this day in the Weſt parts called *Proſtors*. See *Proſtor*.

Procurator Canis, A Lurcher, a Setting-Dog. *W. Primuſ Ebor. &c. dilecto Priori de Biſtall Salut. — Rogatuſ dilectionem veſtram, quatenuſ ſi placeat cum celeritate qua poterit Nobis providentis in partibus veſtris tranſmavinis de duobus canibus produriis ſeu cucheris & vobis de pretio fideliter & plene reſpondebimus & de cuſtu: & hoc ſicut Nos diligentiſ nullatenus omittatis, ita quod diſtos canes habeamus citra Feſtum beati Michaelis omni modo. Dat. Beverl. 10. Cal. Sept. 1280. Colleſtan. Matth. Hutton. S. T. P. Mſ.*

Procurator Monasterii, The Advocate of a Religious Houſe, who was to ſolicit the Intereſt, and plead the Cauſes of the Society. See *Provivor Monasterii*.

Procurator. See *Malveye's Procurator*.

Prodes Homines, This is a Title often given in our old Books to the Barons, or other Military Tenents, who were call'd to the King's Council, and was no more than *Diſcreti & Fideles Homines*, Diſcreet Liege-men, who, according to the beſt of their Prudence and Knowledge, were to give their Counſel and Advice.

Profer, *Proferum vel proferum*, From the French *Proferer*, i. *producere*, Is the time appointed for the Accounts of Sheriffs, and other Officers in the Exchequer, which is twice in the year, *Anno 51 H. 3. ſtat. 5.* which may be gathered alſo out of the *Regiſter*, fol. 139. in the Writ *De Attornato Vice-comitis pro proſo faciendo*. We read alſo of *proſſers*, 32 H. 8. 21. in theſe words, Trinity Term ſhall begin the Monday next after Trinity-Sunday, whenſoever it ſhall happen to fall, for the keeping of the Eſſoines, *Proſſers*, Returns, and other Ceremonies heretofore uſed and kept. In which place *proſer* ſignifies the offer or endeavour to proceed in an Action by any man concerned ſo to do. See *Britton*, cap. 28. fol. 50. & 55. & 80. and *Fleta*, lib. 1. cap. 38. ſect. *Utlagati*, &c.

Proſer Vice-comitis, Tho' the certain Debet of the Sheriff could not be known before the finiſhing of his Account, yet it ſeems there was anciently an eſtimate what this conſtant charge of the Annual Revenue amounted to, and what the conſtant allowances amounted to according to a *Medium*; and theſe Sums were paid into the Exchequer at the Return of the Writ of Summons of the Pipe; and they were, and are to this day called *Proſer Vice-comitis*. But altho' theſe *Proſſers* are paid, yet if upon concluſion of the Sheriffs Accounts, and after the Allowances and Diſcharges had by him, it appears that he be in Surpluſage, or that he is charged with more than indeed he could receive, he hath his *Proſſers* paid or allowed to him again. *Vid. Hale* of Sheriffs Accounts, p. 52.

Proſer the half-mark. See *Half-mark*.

Profeſſion, *Profeſſio*, Is in the Common Law uſed

particularly for the entering into any Religious Order of Friars, &c. *New Book of Entries*, verbo *Profeſſion*.

Proſſis appendre. See *Prender*.

Prohibition, *Prohibitio*, Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Cauſe there depending, upon ſuggeſtion, that the Cogniſance thereof belongeth not to the ſame Court, *F. N. B. fol. 39.* But is now moſt uſually taken for that Writ which lieth for one that is impleaded in the Court Chriſtian, for a Cauſe belonging to the Temporal Jurisdiction, or the Conſuſance of the King's Court, whereby as well the party and his Council, as the Judge himſelf, and the Regiſter, are forbidden to proceed any further in that Cauſe. In what Cauſes this lieth, ſee *Bro. hoc tit. & F. N. B. fol. 53.* Of this *Prohibition*, *Bracton*, lib. 5. tract. 5. cap. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. ſaith, That it lies not after Sentence given in any Cauſe: And the Statute of 50 E. 3. Ordains, That there ſhould be no more than one *prohibition* in one Cauſe. See the diverſity of *Prohibitions* in the Table of the *Regiſter Original*, and the *New Book of Entries*, verbo *Prohibition*, and *F. N. B. fol. 39.*

Prohibitio de vadio directa parti, Is a Writ-Judicial directed to the Tenant, prohibiting him from making waſte upon the Land in Controverſie, during the Suit, *Reg. Judic. fol. 21.* It is ſometimes made to the Sheriff; the example whereof you have in the ſame Book following.

Pro indiviſo, Is a poſſeſſion or occupation of Lands or Tenements, belonging to two or more perſons, whereof none knows his ſeveral portion, as *Coparceners* before partition, *Bracton*, lib. 5. tract. 2. cap. 1. mem. 7.

Proles, In English *Progeny*, Is properly ſuch as proceed from a lawful Marriage; though, if the word be taken at large, it may well denote the iſſue of an unlawful Bed.

Prolocutor of the Convocation-Houſe, *Prolocutor Domus Convocationis*, Is an Officer choſen by perſons Eccleſiaſtical, publickly aſſembled by Vertue of the King's Writ for every Parliament; and as there be two Houſes of Convocation, ſo there are two *Prolocutors*, one of the Lower, and one of the Higher Houſe. He of the Lower Houſe, preſently upon the firſt Aſſembly, by the motion of the Biſhops, being choſen by the Members of the ſaid Lower Houſe, is preſented to the Biſhops for *Prolocutor*, that is, the perſon by whom they intend to deliver their Reſolutions to the Higher Houſe, and to have their own Houſe eſpecially ordered and governed. His Office is to cauſe the Clerk to call the Names of ſuch as are of that Houſe, when he ſees cauſe, to read all things propounded, gather Suffrages, and the like.

Promiſſe, *Promiſſio*, Is, when upon a valuable conſideration, we bind our ſelves by our words to do or perform ſuch an Act as is agreed upon and concluded, upon which an Action may be grounded; whereas, if it be without conſideration, it is called *Nudum pactum*, *ex quo non oritur actio*.

Promoters, or rather *Promotors*, *Promotores*, Are thoſe, who in popular and penal Actions do proſecute Offenders in their own Name and the Kings, having part of the Fines or Penalties for their reward. Theſe, among the Romans, were called *Quadruplatores*, or *Delatores*. They belong eſpecially to the Exchequer and Kings-Bench, *Smith de Rep. Angl. lib. 2. cap. 14.* Coke calls them *Turbidum hominum genus*, 3 Inſt. fol. 191.

Promulga a Lato, *Promulgare Legem*, Is firſt to make a Law, and then to declare, publiſh, and proclaim the ſame to publick view, and ſo *Promulged*, *promulgatus* is publiſhed, proclaimed, 6 H. 8. 4.

Pronotary

Protonotary or **Protonotary**, *Protonotarius vel primus notarius*. Is a chief Officer of the Common-Pleas and King's-Bench, derived from two French words, *Prime*, *primus*, & *Notary*, *notarius*. See *s. H. 4. 14*. He is termed a chief Clerk of the Common-Pleas. He of the King's-Bench Records all Actions civil sued in that Court, as the Clerk of the Crown Office doth all criminal Causes. Those of the Common-Pleas, since the Order of 14 Jac. upon an Agreement made between the *Prothonotaries* and *Filers* of that Court (who before did enter all Declarations and Pleas, whereto a Sergeants hand was not required) do enter and enroll all manner of Declarations, Pleadings, Assises, Judgments and Actions: Also they make out all judicial Writs, as the *Venire facias* after issue joyned, and *Habeas corpus* for the bringing in of the Jury, and *Exstringas Jurator*. They also make out Writs of Execution and Seisin; Writs of *Superedeas* for appearance to *Exigents*, as well as the *Exigents* and Writs of *Privilege*, for removing Causes from other Inferior Courts of Record, where the party hath cause of Privilege; also Writs of *Proceedendo* and *Scire facias* in all Cases, and Writs to enquire of *Damages*, and all process upon *Prohibitions*, and upon Writs of *Audita Querela*, and *false Judgment*, with many others. Lastly, They enroll all Recognizances acknowledged in that Court, and all common Recoveries, and may make exemplifications of any Record in the same Term, before their Rolls are made up and delivered into the Treasury of Records of that Court.

Prove, *Probatio*: *Bracton* says, There is *Probatio duplex*, viz. *viva*, as by Witnesses, *viva voce*; and *Mortua*, by Deeds, Writings, &c. A Wife cannot be produced either against or for her Husband, *quia dux sunt anima in carne una*, and it might be a cause of irreconcilable discord, and a means of great inconveniences, *Co. on Lit. lib. 1. cap. 1. sect. 1*.

Pro partibus liberandis, Is a Writ for the partition of Lands between Co-heirs, *Reg. Orig. fol. 316*.

Propriety, *Proprietas*, Is the highest Right that a Man hath, or can have to any thing, and no ways depending upon any other mans courtship. And this none in our Kingdom can be said to have in any Lands or Tenements, but only the King in the right of his Crown; Because all the Lands throughout the Realm are in the nature of Fee, and hold either mediately or immediately of the Crown. This word nevertheless, is used for that right in Lands and Tenements that common persons have, because it importeth as much as *Utile Dominium*, though not *directum*. See *Fee*. And there are three manners of Rights of Property, that is, Property *absolute*, Property *qualified*, and Property *possessory*. Of which see at large, *Co. lib. 7. fol. 17*. Case of *Swans*.

Propostas, *Shene de verbor*. Signif. latins it *Propositiō affisæ*, the Declaration or Deliverance of an Assise; otherwise called *Veredictum Affisæ*, the Verdict of an Assise, because the Assisors are sworn to declare the Truth, and therefore are called *Juratores*, *Jurors*.

Prophecies, *Prophetia*, Are by our Statutes reputed for wizardly foretelling of things to come in dark and ambiguous Speeches, whereby great Comotions have been often caused in this Kingdom, and great Attempts made by those to whom those Speeches promised good success, *Anno 3. E. 6. cap. 15*. and *7. Eliz. cap. 11*. and *5. Eliz. cap. 15*. But these for distinction sake are called *True*, *false* and *fantastical* Prophecies, *3. Inst. fol. 128*.

Proportum, *Purport*, intention or meaning. *Secundum Proportum dicti Cyrographi inter eos Confecti. Carta Rogeri de Quincy, 31 H. 3.*

Proprietary, *Proprietarius*, Is he that hath a property in any thing, *que nullius arbitrio est obnoxia*; but was heretofore chiefly used for him that hath the Fruits of a Benefice to himself, and his Heirs or Successors, as in time past *Abbots* and *Priors* had to them and their Successors. See *Appropriation*.

Propounders, The 85 Chapter of *Coke's 3. Institutes*, is entituled, *Against Monopolists*, *Propounders* and *Projectors*; where it seems only to be used as a Synonyma to *Monopolists*.

Proprietate probanda, Is a Writ that lies for him that would prove a property before the Sheriff, *Reg. Orig. fol. 83, 85*. For where a Property is alleged, a *Replegiare* lieth not, *Broke, Property 1*.

Pro rata, That is, *pro portione*, *16 Car. 2. cap. 6*.—*Pro rata portionis*. See *Onerando pro rata portionis*.

Proogue, *Prorogare*, To prolong, or put off to another day, *Anno 6 H. 8. cap. 8*. The difference between a *Prorogation* and an *Adjournment*, or continuance of the Parliament, is, That by the *prorogation* in open Court there is a Session, and then such Bills as passed in either House, or both Houses, and had not the Royal assent to them, must at the next Assembly begin again; for every Session of Parliament is in Law a several Parliament, but if it be but adjourned or continued, then is there no Session, and consequently all things continue in the same state they were in before the *Adjournment*, *4. Inst. fol. 27*.

Prosecutor, Is he that follows a cause in anothers Name. See *Promoters*.

Protection, *Proteſtio*, Hath a general and a special signification: In the general, it is used for that benefit and safety which every Subject, Denizen or Alien, especially secured, hath by the King's Laws, and so it is used, *25 E. 3. 22*. *Protection* in the special signification, is used for an Exemption or Immunity given by the King to a Person against Suits in Law, or other Vexations, upon reasonable Causes him thereunto moving, which is a branch of his *Prerogative*. And of this *Fitzherbert* in his *Nat. Brev. fol. 28*. maketh two kinds, the first he calls a *Protection*, *cum clausula Volumus*, whereof he mentions four particulars; 1. A *Protection quia processurus*, for him that is to pass over Sea in the King's Service. 2. A *Protection quia moraturus*, for him that is abroad in the King's Service upon the Sea, or in the Marches, *7 H. 7. cap. 2*. 3. A *Protection* for the King's Debtor, that he be not sued or attached till the King be paid his Debt. This some *Civilians* call *Moratorium*. And 4. A *Protection* in the King's Service beyond the Sea, or in the Marches of Scotland, *Anno 1 R. 2. cap. 8. Reg. Orig. fol. 23*. and *Britton*, cap. 123. The second form of *Protection*, is *cum clausula Nolumus*, which is granted most commonly to a *Spiritual Company* for their Immunity, from taking of their Cattel by the King's Ministers: But it may be granted also to one man *Spiritual* or *Temporal*, *Reg. Orig. fol. 22, 23*. None of these *Protections* extend to *Pleas of Dower*, *Quare Impedit*, *Affise of Novel Disseisin*, *Darrein Presentment*, and *Attaints* and *Pleas* before *Justices in Eyre*. See the *Terms of the Law*, verbo *Protection*, and *New Book of Entries* of this word.

Proto-forestarius, Was he whom our King heretofore made chief of *Windsor Forest*, to hear all Causes of Death or *Mayhem* there, *Cam. Brit. pag. 213*. A kind of a Lord Chief Justice in *Eyre*.

Protonotary, *Protonotarius*. See *Promotary*.

Protectation, *Proteſtatio*, Is (as Justice *Walsh* defines it) a defence of Safeguard to the Party which maketh it from being concluded by the act he is about to do, that issue cannot be joyned by it, *Plowd. fol. 276*. whereof see *Reg. Orig. fol. 306*. And see *Proteſt.*

Protest, *Protestari*, Hath two divers Applications; one is by way of Caution, to call Witness (as it were) or openly to affirm, That he doth either not at all, or but conditionally yield his consent to any act, or unto the proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oath further than by Law he is bound. See *Plowden*, fol. 676. *Gresham's Case*, and *Reg. Orig.* fol. 306. The other is by way of complaint, to *protest* a man's Bill. For example, If I give Money to a Merchant in France, taking his Bill of Exchange to be repaid in England by one whom he assigneth; if at my coming, I find not my self satisfied, but either delayed or denied, then I go to the *Exchange*, or other open Concourse of Merchants, and *protest*, That I am not paid; and thereupon if he hath any Goods remaining in any mans hands within the Realm, the *Law of Merchants* is, that I be paid out of them to my full satisfaction.

Prover, *Probator*, Anno 28 E. 1. and 5 H. 4. cap. 2. See *Approvers*, and 3. par. *Infl.* fol. 129. A man became an *Approver*, and appealed five, and every of them joyned battel with him: *Et duellum percussum fuit cum omnibus & probator devicit omnes quinque in duello, quorum quatuor suspendebantur, & quintus clamabat esse clericum & allocatur, & probator pardonatur*, Mich. 39 E. 3. coram Rege. Rot. 97. Suff.

Providentia, *Provision* of Meat or Drink. *Hilaritas dapum & potentulorum omnibus venire volentibus & refici capientibus semper parata erat quamdiu ibi moram traxit, & talem providentiam ibi fecerat, quod tota curia mirabatur*—*providentia vini ante adventum suum in cellaria sua erat centum doliorum*. Hen. Knighton sub anno 1354.

Province, *Provincia*, Was used among the Romans for a Country, without the limits of Italy, gained to their subjection by the Sword: Whereupon that part of France next the Alpes was so called of them, and still retains the Name: But with us a *Province* is most usually taken for the Circuit of an Archbishop's Jurisdiction, as the *Province of Canterbury*, and the *Province of York*, 32 H. 8. 23. and 33 H. 8. 31. yet it is also divers times used in our Statutes for several parts of the Realm, and sometimes for a County. *In placito Agnetis que fuit uxor Radulphi de Buttler versus priorem de Repindon, pro terra in Pykinton, Prior. dicit, quod nulla villa est in Provincia illa que sic vocatur, Placit. de Juratis & Assisis apud Derby Pasch. 53 H. 3. Rot. 2.*

Provincial, *Provincialis*, Is a chief Governor of a Religious Order of Friars, &c. 4 H. 4. 17.

Provision, *Provisio*, Is used with us as in the Canon Law, for the providing of a Bishop, or any other Person, an Ecclesiastical Living, by the Pope, before the Incumbent be dead: It is also called *Gratia expellativa*, or *Mandatum de providendo*: The great abuse whereof you may read not only in *Duarenius de sacris Ecclesie Ministeriis & Beneficiis*, lib. 3. cap. 2. but also in divers Statutes of this Realm, viz. 35 E. 3. 22 stat. 4. & 5. commonly called the Statute *De provisionibus*, & 27 E. 3. cap. 1. & 38 E. 3. stat. 2. cap. 1, 2, 3, 4. & 2 Rich. 2. cap. 7. 3 R. 2. cap. 3. 7 R. 2. 12. 12 R. 2. stat. 2. cap. 2, 3, 4. & 3 H. 5. cap. 4. See *Præmunire*.

Provisions, The Acts to restrain the exorbitant abuse of Arbitrary Power made in the Parliament at Oxford 1258. were called *Provisiones*, being to provide against the King's Absolute Will and Pleasure. See *Mat. Par.* sub annis 1244. & 1258.

Provisor, *Provisor*, The King's Purveyor, who provided for the accommodations of his Court, is so call'd in our Historians.

Provisor, Is he that sues to the Court of Rome for a provision, which is called *Gratia expellativa* accord-

ing to *Spelman*. See also *Old Nat. Brev.* fol. 143. they were prohibited by Proclamation 42 Hen. 3. Anno 1258. *Hill. Pag.* 259. It is sometimes also taken for him that hath the care of providing things necessary, a Purveyor. See *Provision*.

Proviso, Is a Condition inserted into any Deed, upon the observance whereof the validity of the Deed depends: Sometimes it is only a Covenant, *Co. 2. Rep.* Lord *Cromwell's Case*. It hath also another signification in matters Judicial, as if the Plaintiff or Demandant desist in prosecuting an Action by bringing it to a Trial: The Defendant or Tenant may take out a *Venire facias* to the Sheriff, which hath in it these words, *Proviso quod*, &c. to this end, that if the Plaintiff take out any Writ to that purpose, the Sheriff shall summon but one Jury upon them both: In which Case we call going to Trial by *Proviso*. See *Old Nat. Brev.* fol. 159. in the Writ *Nisi prius*.

Provisor, *Donasterit*, The Treasurer or Steward of a Religious House, who had the Custody of Goods and Money, and supervised all Accounts.—*Abbas Turketulus*—*Dominan Egelricum tunc Provisorem suum, Statum Domus tam in Thesauris, quam in localibus aliis jussit ostendere*—*Vesa vero aurea & argentea multa, que omnia integra in necessitatem Monasterii sub Provisoris & Procuratoris custodia deputaverat conservanda*. Erant enim ambo Egelrici cognati sui secundum carnem, & Fratres secundum Deum religiosissimi, alter Monasterii Provisor, alter Procurator: Provisor in temporalibus tractandis prudentissimus; Procurator vir Scolasticus, & omnium literarum scientia profundissima imbutus. *Ingulph. Hist.*

Purchase. See *Purchase*.

Provost-Marshal, An Officer in the King's Navy, who hath charge of the Prisoners taken at Sea, 13 Car. 2. cap. 9. and is sometimes used for the like purpose at Land, or to seize or arrest any within the Jurisdiction of his place or office.

Prorege. See *Seneca*, Haply it may be the payment of Proxies or Procurations, *sed quare*.

Proyses, Are yearly payments made by Parish-Priests to their Bishop or Archdeacon, *ratione visitationis*. See *Procurations*, and the Case between the King and Sir Ambrose Forth, 2 Jac. in the Exchequer. See also Sir Jo. Davis, *Rep.* fol. 4.

Pryk, Is a kind of Service or Tenure.—*Nicholas filius & hæres Nich. de Longford Chivalier, tenet 4. Messuagia, 40. Acres terra, 10 Acres prati & 60s. redditus cum pertinentiis in Kinwaldmerth de Rege in Capite, per servitium inveniendi unum equum, unum saccum & unum Pryk in Guerra Wallie quandocunque contigerit Regem ibi guerrare*, Mich. Fines, 1 Rich. 2. Derb. fol. 204.

Publick Faith, *Fides publica*, 17 Car. 1. cap. 18. Was a Rebellious Cheat to get Money from the seduced People, upon (as they call'd it) *The publick Faith* of the Nation, to make a most horrid and cauleless Rebellion against a most Religious and Gracious Sovereign, which was about the Year 1642.

Pucelage, *Puellagium*, French *Pucelage*, Virginity.—*Quod tenuit eam, dum idem B. absulit puellagium suum vel quod concubuit cum ea*, Bract. lib. 3. tract. 2. cap. 28. num. 2, 3. & 5. In an ancient MS. it is written *Puellagium*. In *placito pro raptu sic continetur*—*quod ipsam de puellagio suo felonice & totaliter desforavit*. Inter *Placit.* Mich. 19. E. 3. London 159.

Puchia, A Bag, a Purse.—*Die Luna proxime post Festum circumsionis Domini anno 1332. in capitulo Ecclesie. Pauline ordinatum est*—*quod si omnes Stagiarii a civitate fuerint absentes, tunc Sacrissa cum uno de Cardinalibus chori, amoto sigillo Canonici, puchia pecunie apposita, pecuniam necessariam liberent Custodi, & puchiam*

puchiam reconsignent.—Ex Libr. Statutorum Ecclesie Pauline. MS. penes Rev. Joh. Episc. Norwic.

Pudhepec, Si Pudhepec (i. nemoris lasio) parco Regis vel Forestie fiat 30. manc. emendetur, nisi propositio propensior amplius exigit. Leg. Hen. 1. cap. 38. But the learned Spelman thinks it is miswritten, for the Saxon pudhepec, i. Wudhepec; the w in that Character being like the p in Ours.

Pudgels, The same with Wordgeld, Co. on Lit. fol. 233. And haply the like mistake in the first Letters of this as of the former word.

Pullus, Younger, Puny. See Mulier.

Pulla, Sax. Pul. A Pool or Lake of standing Water.—Trium acrarum & dimid. juxta pullam in terra que vocatur Natelond.—Chartular. Abbat. Glasston. MS. b. 67. a. Vid. Mon. Angl. Tom. 1. 722.

Pundbrech, Derived from the Pund, Parcus, and Brech, fratrura. Si Pundbrech fiat in Curia Regis plena wyta sit, alibi quinque manca, Leg. Hen. 1. cap. 40. It is the illegal taking of Cattle out of the Pound by any means whatsoever.

Pulterius—Rex Majori & Vic London Salutem Quia accepimus quod piscores Tabernarii Molendinarii Coci Pulterii Piscenarii Carnifices Brasiatores Bladarii & alii de diversis Officiis & Ministeriis, &c. Par. 1 E. 3. M. 13. seems to signify a Poulterer, Pulterius.

Purples of a Woman's Gown, From the French word Pourprier, 33 H. 8. A sort of Trimming for Womens Gowns then in use; it was made of Tinsel or Gold Thred, and was also called Paudkin-work. So Camden, tee. Ireland, speaks of a Mantle or Shag Rug, with a deep fringed purple.

Pund fulda, A Pound, a Pinfold.—Omnia alia expleta de predicto marisco venientia inter nos eque dividantur, & ibi fiat Pund fulda averiorum intrantium in predicto Marisco.—Placita anno 1236. inter Abbat. Glasston. & Henr. de Hamel in Chartular. Abbat. Glasston. MS. f. 42. b.—inter veterem pundfaldam & pratum Ricardi de Cardinville.—Cartular. Radinges. MS. b. 101. b.

Purchatium, Purchase, or pecuniary Acquisition oppos'd to hereditary Right.—Hec sunt edificia que idem Abbat Glasston. suo tempore eleganter per eandem Abbatiam consummavit & cavuca quod suo tempore de appurmentis & purchacio suo augmentavit. Chartular. Abbat. Glasston. MS. f. 42. a.

Purgation, Purgatio, Is the clearing a mans self of a Crime whereof he is generally suspected, and of the same accused before a Judge. Of this there was great use in England touching matter of Felony, imputed to Clerks in former time, as appeareth by Stauf. Pl. cor. lib. 2. cap. 48. See Clergy and Westm. 1. cap. 2. It is still observed for matters pertaining to the Ecclesiastical Court, as suspicion, or common fame of incontinency, or such like. And here note, That Purgatio is either Canonical, Canonica, or Vulgar, Vulgaris, Canonical, is that which is prescribed by the Canon Law; the form whereof is usually thus in the Spiritual Court, The man suspected takes his Oath, That he is clear of the fault objected, and brings so many of his honest Neighbours, being not above Twelve, as the Court shall assign him, to swear upon their Consciences and Credulity, That he sweareth truly. Vulgar purgation was by Fire, or Water, or by Combat, used both by Infidels and Christians, till by the Canon Law abolish'd. But Combat may be still practised by the Laws of the Realm in Causes doubtful; and where there is a want of Evidence, or other proof, if the Defendant chuse rather the Combat than other Trial. See Orel and Combat.

Purificatio beate Mariæ Virginis, Anno 32 H. 8. cap. 21. See Candlemas.

Purlue or **Purlieu**, From the French Pur, i. purus, and Lieu, locus, is all that ground near any Forest, which being made Forest by Henry the Second, Richard the First, or King John, were by perambulation granted, but by King Henry the Third severed again from the same, and became Purlieu, Manwood Forest Laws, cap. 20. And he calleth this Ground either pourallee, i. perambulationem, or purlu, purluy, which, he saith, are mistaken for pourallee, ibid. num. 3. And with our first derivation it may consist, because such things as were by those fore-mentioned Kings subjected to the Laws and Ordinances of the Forest, are now cleared and freed from the same. And as the Civilians call that purum locum, qui sepulchrorum Religioni non est obstrictus. So our Ancestors called this purlieu, i. purum locum, because it was exempted from that Servitude that was formerly laid upon it. And whereas Manwood and Crompton call it Pourallee, we may derive it from pur, purus, and alee, ambulatorio, because he that walketh or courseth within that Circuit, is not liable to the Laws or Penalties incurred by them which hunt within the Precincts of the Forest. See the Stat. 33 Ed. 1. stat. 5.

Purlieu man, Is he that hath Ground within the Purlieu, and being able to dispend forty Shillings by the year of Freehold, is upon these two points licensed to hunt in his own Purlieu, Manwood's Forest Laws, pag. 151, 157. But what he must observe in his hunting, see the same pag. 180, 181, 186. and cap. 20. num. 5. 8, 9, &c. See Purlieu.

Purpars, Fr. Pour part, pro parte. Purparty, That part or share of an Estate, which being first held in common by Copartners, is by partition allotted to any of them.—Inquisitio de hereditate Margarete & Elizabethæ—liberes habenda in purpartem ipsius Elizabethæ.—Paroch. Antiquit. p. 502.

Purpresture, Purprestura, From the French Pourprendre, i. integrè arripere, is properly substractio clandestina terra aliena, ejusdemque vicine ascriptio. See Skene de verbor. Signif. verbo Purpresture, and see Pourpresture.

Purprisum, French Pourpris, A Close or Enclosure, also the whole compass of a Mannor.—Donavi eis meum Purprisum de Kirkeham & domos meas, &c. Carta Walteri Episc. Priorat. de Kirkeham in Mon. Ang. 2. par. fol. 1. 36. n. 40.

Purrell, 25 Eliz. cap. 10. A List ordained to be made at the end of Keries, to prevent deceit in diminishing their length.

Purly, A Term among Clothiers, 43 Eliz. 10. See Rewey.

Pursuivant. See Poursuivant.

Purveyance. See Pourveyance.

Purveyors. See Pourveyors.

Purview, Is a French word, signifying a Gift or Grant, and Pourveu que, a condition; that Sir Edward Coke often uses it for that part of an Act of Parliament which begins with Be it Enacted. The Stat. of 3 H. 7. stands upon a Preamble and a Purview, 12. Rep. fol. 20.

Putage, Putagium, Fornicatio ex parte femina, quod vox nulla Latina exprimit, quasi Puttam agere; from the French Puttee, or the Italian Putta, i. meretrix. This Crime was so odious amongst our Ancestors, that if any Heir-Female under Guardianship were guilty thereof, they forfeited their part to their Co-heirs; or if she were as only Heiress, the Lord of the Fee took it by Escheat. Spelman, Quod autem generaliter solet dici putagium hereditatem non adimit, illud intelligendum est de putagio matris; quia filius heres legitimus est, quem nuptia demonstrant, Glanville, lib. 7. cap. 12.

Putative, Reputed, or commonly esteemed, in

in opposition to notorious and unquestionable.—*Pater pueri putativus*, i. e. The reputed Father of the Child. *Jo. Brompton*, p. 509.

Putus, A Pit, in former times the *Scots* were wont to hang Men delinquents, and to cast the Women Offenders into a pit full of Water to drown; and, 'tis a wonder, this punishment, or execution, is not found among the *Britains*, or rather *English Saxons*, since 'tis evidently met with among the *German*s, from whence they came, as appears by *Tacitus*, in his Book *De German. moribus*, where he says, *Proditores transfugas arboribus suspendunt, ignavos & imbelles & corpore infames (i. fornicantes) cano ac palude, injecta insuper crate mergunt*, pag. 484.

Putta, A Pit, which in the broad Country tone is still call'd a *Putt*.—*Una acra in Croxwell furlong quæ jacet ad puttam inter terram Johannis le Palmer, &c.* *Paroch. Antiquit.* p. 186. *Stane-puttes* for *Stane-pits*, *ib.* p. 397.

Putura, A Custom claimed by Keepers, in Forests, and sometimes by Bayliffs of Hundreds, to take Mansmeat, Horse-meat and Dogs-meat, of the Tenants *gratis*, within the perambulation of the Forest, or Liberty of the Hundred. *Communia de Anno 16 E. 1. Ter. Pasch. Rot. 10. in Dorso Rex mandat Baronibus quod allocent Roberto de Chadworth Vic. Linc. 56 s. 7d. quos per preceptum Regis liberavit Jo. de Bellevent pro Putura septem leporariorum & trium falconum & Alaneriarum, &c.* viz. *pro Putura cuiuslibet leporarii & falconis per diem 1 d. ob. & pro vadis, &c.* *Plac. Coron. in Com. Ebor. 21 E. Rot. 21.*—*In libertate de Knaresburgh presentatur, quod parcerii Comitibus Cornubie percipiant Puturam suam, viz. his comedendo in die vel capiendi pro Putura sua 2 d. de tenentibus in diversis villis ibidem nominatis, sed nunc fecit dilectus Comes ipsas villas solvere 3 d. pro putura.* See 4. *Inst. fol. 307.*

Pyker alias **Pykar**, A kind of Ship spoken of 31 E. 3. *Stat. 2. cap. 2.*

Pyrate. See *Pirate*.

Pyrewinkles, *Johannes Masham & Thomas Bote de Bury die Lune proxime ante Festum Apostolorum Symonis & Jude, Anno Regni Henrici quarti post conquestum tertio malitia & conspiratione inter eos inde præhabitis quendam Robertum Smyth de Bury—ceperunt infra prædictam villam & ipsum infra domum dilecti Johannis Masham in ferro posuerunt—& cum cordis ligaverunt & super pollices ipsius Roberti quoddam instrumentum vocatum Pyrewinkles ita stricte & dure posuerunt quod sanguis exivit de digitis illius*—*Ex Cartul. Abbatie Sancti Edmundi. MS. f. 341.*

Q.

Quadians, A Farthing, a fourth part of a penny.

Observe, That before the Reign of *Ed. 1.* the finallest Coin was a Sterling or Penny, mark'd with a Cross or Travers strokes, by the guidance whereof a Penny upon occasion might be cut in halves for a Half-penny, or into quarters for Farthings, or fourth parts; Till to avoid the fraud of unequally cutting, King *Ed. 1.* Coin'd Half-pence and Farthings in round distinct pieces. See *Matth. Westminster* sub anno 1279.

Quadiantata terra, Is the fourth part of an Acre. See *Denariata terra & Obolata*. Item *Fardel* of Land.

Quadiarium, A Quarry or Stone-Pit.—*Concessi eidem liberam viam ultra pasturam meam de quadario suo usque ad prædictam ripam ad stagnum dilecti*

molendini emendandum. *Paroch. Antiq. p. 208.* Hence the old word a *Querrow*, or Digger of Stones. The word was originally *Carrarian*, *Carraria*. Hence the *Irish* retain the primitive word a *Carrie*, and the *French* an *Carrier*.

Quadragesima Sunday, Is the first Sunday in *Lent*, so called, because it is about the fortieth day before *Easter*: The three preceding Sundays are, *Quinquagesima*, *Sexagesima*, and *Septuagesima*; all which see in their proper places.

Quadrugata terra, A Team of Land, which may be Till'd with four Horses.

Quadragesimalia, *Denarii quadragesimales*. In the former days of Superstition, it was the Custom for People to visit their Mother Church on *Midlent Sunday*, and to make their Offerings at the high Altar; as the like Devotion was again observed in *Whitson-Week*. But as the Processions and Oblations at *Whitfontide* were sometimes commuted into a Rated payment of *Pentecostals*, or *Whitson-farthings*, so likewise the *Lent* Devotion was chang'd into a customary Rate call'd *Quadragesimalia*, and *Denarii Quadragesimales*, and sometimes *Latare Jerusalem*, because that Hymn was Sung on *Midlent Sunday*. It is farther observable, That the now remaining Practice of *Mothering*, or going to visit Parents upon *Midlent Sunday*, is really owing to that good old Custom. Nay it seems to be call'd *Mothering* from the respect so paid to the Mother-Church, when the Epistle for the Day was with some allusion, *Galat. 4. 21. Jerusalem Mater omnium*; which Epistle for *Midlent Sunday* we still retain, tho' we have forgot the occasion of it.

Quæ plura, Was a Writ that lay where an Inquisition had been made by an *Escheator* in any County, of such Lands or Tenements as any Man died seized of, and all that was in his possession was imagined not to be found by the Office; the form whereof, see in *Reg. Orig. fol. 293.* and in *R. N. B. fol. 255.* It differs from the Writ call'd *Melius inquirendum*, according to the same *Fitzherbert*, because this is granted, where the *Escheator* formerly proceeded by virtue of his Office; and the other, where he found the first Office by virtue of the Writ named *Diem clausit extremum*. See the *New Book of Entries*, verbo *Quæ plura*.

Quæsta, An Indulgence, or Remission of Penance, expos'd to Sale by the Popes of *Rome*, who by this Craft had their great gain; the Retailers of them were call'd *Quæstuarii*.—*Circa quæstuarios Predicatores—habent Brevia quæ relinquunt in singulis Parochiis in quibus continentur tot indulgentia—emant illas quæstas pro modico pretio.*—*Opus Tripartitum apud Falsic. Rerum. Append. p. 227.* So *Quæstionarii* in *Matth. Westminster* sub anno 1240.

Quadrubium, The Center of four Ways, or where four Roads meet and cross each other. Hence *Cairfax* in *Oxford*. It is call'd the *Wence*, and four *Wence* in *Kent*.

Querens non invenit plegium, Is a return made by the Sheriff upon a Writ directed to him, with this condition inserted, *Si A. fecerit B. securum de clamore suo prosequendo*, *F. N. B. fol. 38.*

Quæ servitia, Is a Writ, see *per quæ servitia*.

Quale ius, Is a Writ Judicial, that lies where a Man of Religion hath Judgment to recover Land, before execution be made of the Judgment; for this Writ must go forth to the *Escheator*, between Judgment and Execution, to inquire whether the Religious person hath any Right to recover, or whether the Judgment be obtained by collusion between the Demandant and the Tenant, to the intent, that the true Lord be not defrauded. See *Westm. 2. cap. 32.* The form of this Writ you have *Reg. Judic. fol. 8.*

16, 17, & 46. And in the *Old Nat. Brev. fol. 161.* See the *New Book of Entries*, verb. *Quale jus*.

Quam diu se bene gesserit, Is a Clause often used in Letters Patent of the Grant of Offices, as in those to the Barons of the Exchequer, which must be intended only as to matters concerning their Office; and is nothing but what the Law would have implied, if the Office had been granted for like, *Co. 4. Inst. fol. 117.*

Quantum meruit, That is, How much he has deserved; Is an Action of the Case so called, grounded upon a promise to pay a Man for doing any thing, so much as he should deserve or merit.

Quare eiecit infra terminum, Is a Writ that lieth for a Lessee, where he is cast out of his Farm before his Term be expired, against the Feoffee or Lessor that ejecteth him: And it differs from the *Ejectione firme*, because this lies where the Lessor, after the Lease made, infeoffeth another, which ejecteth the Lessee: And the *Ejectione firme* lieth against any other Stranger that ejects him. But the effect of both is all one, that is, to recover the residue of the Term. *F. N. B. fol. 197. Reg. Orig. fol. 227.* and the *New Book of Entries*, verbo *Quare eiecit infra terminum*.

Quare Impedit, Is a Writ that lies for him that hath purchased a Mannor, with an Advowson there-to belonging, against him that disturbs him the Right of his Advowson, by presenting a Clerk thereto when the Church is void: And it differs from the Writ call'd a *Darrein presentment*, *Affisa ultima presentationis*, because that lies where a Man, or his Ancestors, formerly presented; and this for him that is the Purchaser himself. See the *Expositor of the Terms of the Law*, *Old Nat. Brev. fol. 27. Brañ. lib. 4. tract. 2. cap. 6. Britton, cap. 92. and F. N. B. fol. 32. and Reg. Orig. fol. 30.* And here note, That where a man may have an Affise of Darrein Presentment, he may have a *Quare Impedit*, but not contrariwise. See the *New Book of Entries* on this Writ.

Quare incumbit, Is a Writ that lieth against the Bishop, who, within six Months, after the Vacation of a Benefice, conferreth it upon his Clerk, while two others are contending in Law for the Right of presenting. And here note, This Writ always lies depending the Plea, *Old Nat. Brev. fol. 30. F. N. B. fol. 48. and Reg. Orig. fol. 32.*

Quare intrusit matrimonio non satisfacto, Is a Writ that lies for the Lord against his Tenant being his Ward, who after convenient Marriage offer'd him, marries another, and enters nevertheless upon his Land, without agreement first made with his Lord and Guardian. But all Wardships being taken away by the Statute 12 Car. 2. cap. 24. This Writ becomes useless.

Quare non permittit, Is a Writ that lies for one that has Right to present for a turn against the Proprietary, *Fleta, lib. 5. cap. 6.*

Quare non admittit, Is a Writ that lies against a Bishop, refusing to admit his Clerk that hath recovered in a Plea of Advowson, *F. N. B. fol. 47. and Reg. Orig. fol. 32.* See the *New Book of Entries*, verbo *Quare non admittit*.

Quarerel, *Querela*, à *querendo*, and extends not only to Actions personal, but also to mixt, and the Plaintiff in them is called *Querens*, and in most of the Writs it is said *Queritur*; So that if a man release all Quarrels, (a Man's Deed being taken most strongly against himself) it is as beneficial as all Actions; for by it all Actions real and personal are released, *Co. lib. 8. fol. 153. and Co. on Lit. lib. 3. cap. 8. sect. 511.*

Quarentine, *Quarentina*, Is a benefit allowed by

the Law of England to the Widow of a Man dying seized of Land, whereby she may challenge to continue in his Capital Messuage, or chief Mansion-house, (so it be not a Castle) by the space of forty Days after his Decease; *Bracton, lib. 2. cap. 40.* And if the Heir, or any other attempt to eject her, she may have the Writ *De quarentina habenda*, *F. N. B. fol. 161.* *Maneat vidua in Capitali Messuagio mariti sui per quadraginta dies post obitum mariti sui, infra quos dies assignetur ei dos, nisi prius assignata fuerit, vel nisi domus illa sit castrum*, *Magna Charta, cap. 7.* See *Britton, cap. 103. and Fleta, lib. 5. cap. 23.* *Shene de verborum Signif. verb.* *Quarentena viduarum*, derives this word from the French *Quaresme*, who also have this Custom called *La quaresme des veuves*, granted to Widows after the decease of their Husbands. *Quarentene* also signifies a Furlong, being a quantity of Land containing forty Perches, and so haply derived from the French *Quarente*, forty. In a Charter of *Witlase*, King of the Mercians, mentioned by *Inglulphus*, we have these words, — *Quatuor arvacas terre arabilis continentes in longitudine. 8. quarentenas & 8. quarentenas in latitudine.* *Quarentine* is also the space of forty days, wherein any Person, coming from Foreign Parts, infected with the Plague, is not permitted to Land, or come on shore, until so many days are expired.

Quarentina habenda, Is a Writ that lies for a Widow to enjoy her *Quarentine*, *Reg. Orig. fol. 175.*

Quare obstruxit, Is a Writ that lies for him, who having a liberty to pass through his Neighbour's Ground, cannot enjoy his Right, for that the Owner has so strengthened it, *Fleta, lib. 4. cap. 26. sect. Item si minus.*

Quarria, A Quarry of Stone. — *Præterea dedis Turbariam & Petrariam & quariam ubicunque invenire poterint in territorio villa de Hepp, &c. Mon. Ang. part. 2. fol. 595.*

Quartelols, Surtoots or upper-garments, with Coats of Arms quartered on them, the old habit of our English Knights, in their Military Expeditions. — *Milites quidem super armatura cotucas induerunt vocatas quartelols: Armigeri vero indumentum a bandas habuerunt.* *Tho. Wallingham in Edw. 2. p. 114.*

Quarter, *Quarterium*, Eight Bulhels striked make the Quarter of Corn, *Anno 15 Rich. 2. cap. 4.*

Quarter Sessions, Is a Court held by the Justices of Peace in every County once every quarter of a Year. How far the Jurisdiction thereof exceedeth, see *Lamb. Eiren. lib. 4. and Smith de Repub. Anglor. lib. 2. cap. 19.* To which you may add the several Statutes of this Realm, by which its power is greatly increased: Originally it seems to have been erected only for matters touching the Peace, but now it extends much farther. The holding these *Sessions Quarterly*, was first ordained by the Statute 25 E. 3. *stat. 1. cap. 8.*

Quarterisot, To be quartered, or cut into four quarters in Execution. — *Pecit decollari & membratim dividi, & quarterisari, & caput & ejus quarterias ad regni certas civitates transmitti jussit.* *Artic. Ricardi Scrope Archiep. Ebor. apud Angl. Sacr. P. 2. p. 366.*

Quaternus, *Quaternus*, A Book, or Volume, properly in *Quarto*, or with each Sheet folded into four leaves. — *Anselmus præcepit quaternus quaterniones in quibus ipsum opus conieceram, destrue penitus rem — notati verbus ejus, quaterniones ipsos destruxi, iis quibus scripti erant aliis quaternionibus primo inscriptis.* *Ead meri Liber de vita Anselmi apud Wharton Angl. Sacr. P. 2. p. 182.* — *Cum Evangelio Johannis manibus propriis scribendo operam daret, — ad Ecclesiam nec clauso quaterno nec folio completo festinavit.* *Girald. Cambren. lib. p. 635.*

Quasi modo Sunday. *Low Sunday*, or the next after *Easter*, anciently so call'd from the first words of the *Introit* or *Hymn* for Mass on that day. It occurs often in the date of old Records. — *Carta Gilberti Prioris de Eynsham Priori de Sherburn dat. posttridie Festi Quasi modo geniti, anno 1255.* This solemn time in some Deeds was express'd by the initial Letters, *Q. M. G.*

Quash. *Quassare*, Cometh of the French word *Quasser*, id est, *causum facere*, to overthrow or annul, *Bracton*, lib. 5. tract. 2. cap. 3. num. 4. As if the Bayliff of a Liberty return any out of his Franchise, the Array shall be quashit. And Co. on Lit. fol. 156. An Array returned by one that hath no Franchise shall be quashit.

Quebord. Anno 17 E. 4. cap. 2. A kind of Game prohibited by the same Statute, perchance the same with that we now call *Shovel-board*; And it may be *Quebord* quasi *Quickbord*, because the Pieces wherewith they play run upon the Table with great celerity.

Que Estate. Translated *verbatim*, signifies *Quem statum*: In our Common Law it is a Plea, whereby a man intitling another to Land, &c. saith, That the same Estate he had, he hath from him: For Example, In a *Quare Impedit*, The Plaintiff alledges, That such four Persons were seized of Lands whereunto the Advowson in question was appendant in Fee, and did present to the Church, and afterward the Church became void *que estate del*, &c. that is, *which estate* of the four Persons he has now during the Vacation, by virtue whereof he presented, &c. *Bro. tit. Que estate*, fol. 175, 176. *New Book of Entries*, verb. *Que estate*, and Co. on Lit. fol. 121.

Que estate. *Verbatim*, Is the same thing, but is used in a legal sense as a Word of Art in an Action of Trespass, or such like, for a positive justification of the very Act complained of by the Plaintiff as a wrong. For example, in an Action upon the Case, the Plaintiff says, That the Lord threatened his Tenants at will in such sort, that he forced them to give up their Tenures. The Lord, for his defence, pleadeth, That he said unto them, That if they would not depart, he would sue them at Law: This being the same threatening that he used, or to speak artificially, *que est le mesme*, the defence is good. Of this, see *Kitchin*, cap. *Que est le mesme*, fol. 236.

Queen, Regina. Is either she that holdeth the Crown of this Realm by Right of Blood, or else she that is married to the King; which last is called *Queen Consort*. In the former sense she is in all construction the same with the King, and hath the like Power in all respects: In the other signification she is inferior, and a person exempt from the King, for she may sue or be sued in her own Name; yet that she hath is the King's, and whatever she loses, the King loses, *Stamf. prerog.* cap. 2. fol. 10. in fine, *Kitchin*, fol. 1. Co. lib. 4. *Copy-hold Cases*, fol. 23.

Queen Gold. *Aurum Regina*, Is a Royal Duty or Revenue belonging to every *Queen of England* during her Marriage to the King, both by Law, Custom and Prescription, payable by sundry Persons in England and Ireland (upon divers Grants of the King) by way of Fine or Oblation, amounting to ten Marks, or upwards, to wit, one full tenth part above the entire Fine, as ten pounds upon every hundred pound Fine, upon Pardons, Contracts or Agreements; which becomes a real Debt to the Queen by the Name of *Aurum Regina*, upon the parties bare Agreement with the King for his Fine, and recording it, without any Promise or Contract for this tenth part exceeding it, *Lib. Nig. Scac.* pag. 43, 44. *Co. 12. Rep.* fol. 21, 22. and *Pyennes Treatise* on this Subject throughout.

Quem redditum reddat. Is a Writ Judicial, that lies for him to whom a Rent-seek or Rent-charge is granted, by Fine levied in the King's Court against the Tenant of the Land that refuseth to attorn to him, thereby to cause to attorn, *Old Nat. Brev.* fol. 126. *West Symbol.* part 2. tit. *Fines*, sect. 156. and the *New Book of Entries*, verb. *Quem redditum reddat*.

Querela. An Action prefer'd in any Court of Justice, in which the Plaintiff was *Querens* or Complainant, and his Brief, Complaint or Declaration, was *Querela*; whence our *Quayrel* against any Person. *Quietos esse a querelis* was to be exempted from the customary Fees paid to the King or Lord of a Court, for the purchase of Liberty to prefer such an Action. But more usually to be exempted from Fines and Amercements, impos'd for common Trespases and Defaults. So King Henry 2. to Bernard de S. Walery — *terra sua sint quierae de omnibus placitis & querelis exceptis muredo & larcocinio*. *Paroch. Antiquit.* p. 123. See Mr. Kennett's Glossary.

Querela fresce foris. Is a Writ of Fresh force. See *Fresh force*.

Querela coram Rege & consilio discutienda & terminanda. Is a Writ whereby one is called to justify a Complaint of a Trespass made to the King himself, before the King and his Council, *Reg. Orig.* fol. 124.

Querista. *Chorista*, a Chorister, Querister, or Boy that sings in the Quire. — *In secundo vero gradu subitus Stent Vicarii, Diaconi — item in tertia forma pueros & queristas precipimus collocari.* — *Frynne Collect.* Tom. 3. p. 327.

Questus or rather *Quæstus*, A *quero*, to seek or get, is taken for that Land which does not descend to us by Hereditary Right, but is gained by our own Labour and Industry; this we call *Purchased Lands*. In Lib. *Ramus* sub *Stephano Rege* conscrip. sect. 140. sub tit. *questus Ednothi qui floruit tempore Reg. Ethelredi*. We thus read, *Erat illis diebus quidam Alistanus habens duas hidas apud Stapleford, quas frater Ednothus numeratis eidem centum solidis argenti, reliquis quietibus suis in possessionem Ecclesie Remensis adjunxit.* And *Glanville*, lib. 7. cap. 1. speaking of Lands, saith, *Aut habet hereditatem tantum, aut questum tantum, aut hereditatem & questum*.

Questia. A Quest, or Inquest, Inquisition or Enquiry upon the Oaths of an Impanell'd Jury. — *Nec regnaverunt in diebus suis Perjuratores in questis & assis sicut nunc.* *Joh. Capgrave de vita Hen. Spenser Episc. Norwic.* apud *Angl. Sacr.* P. 2. p. 360.

Questus est nobis. Is the form of a Writ of Nuisance, which, by the Statute 13 E. 1. cap. 24. lies against him to whom the House, or other thing that breeds the Nuisance is alienated, whereas before the Statute, this Action lay only against him that first levied the thing to the Annoyance of his Neighbour. See the said Statute.

Quia Improbare. Seems to be a *Superfedeas* granted in the behalf of a Clerk of the Chancery, sued against the Privilege of that Court in the Common-Pleas, and pursued to the *Exigent*, or in many other cases where a Writ is erroneously sued out. See *Dyer*, fol. 33. n. 18.

Quid iuris clamat. Is a Writ Judicial, issuing out of the Record of the Fine, which remaineth with the *Custos brevium* of the Common-Pleas, before it be engrossed; and it lies for the Grantee of a Reversion or Remainder, when the particular Tenant will not attorn, *West Symbol.* part 2. tit. *Fines*, sect. 118. *Reg. Judo.* 36, 57. and the *New Book of Entries* on this Writ.

Quid pro quo. Signifies *verbatim*, what for what, and is an Artificial Speech, signifying as much as the Greek *ανταλλαγμα* among the Civilians, which is a reciprocal

reciprocal performance of both Parties to a Contract, and thereupon the giving of one thing of a value, for another thing of like value, as 10 li. for a Horse, &c. *Kitchin, fol. 184.*

Quit-tantia, *Acquiescentia*, A Quittance, Acquittance, or Testimonial of Receipt.

Quit-tare, To quit, acquit, or discharge, or live harmless. The common form in old Deeds of Donation or other Conveyance. — *De prediis Nos & heredes Nostri quietabimus distos, &c.*

Quit-tare clamare, To quit claim, or renounce all pretension of Right and Title. *Quita clamatio*, Such Quit-claim or act of Renunciation. — *De una virgata terra in Masebury* — *Richardus & Aldreda remissionem & quiete clamaverunt de se & heredibus Aldreda prediis Abbati (de Ofenei) & Successoribus suis* — *pro hac autem remissione quita clamazione & concordia idem Abbas dedit* — xxx. fol. — *Paroch. Antiqu.*

p. 220.

Quit-tus redditus, A Quit-Rent, or small Acknowledgment paid in Money, so call'd because such payment did acquit the Tenant from all other Service or Duties to the Lord. It was sometime call'd *White-Rent*, because paid in Silver, or ready Money. See *Quit-Rent*.

Quit-tantia lecta, *Quindredi & Twilichmott*. — *Per hac verba Johannes Stanley Arm. clamat quod ipse & tenentes sui non teneantur venire ad curiam istam, Plac. in Trin. apud Colstrum, 14 H. 7.* See *Acquiescentia*.

Quit-tantia Assisarum super Assisam. — *Per hac verba Johannes Stanley clamat quod ipse & tenentes & residentes sui non ponantur in Assis, jurat. nec magnis Assis, Plac. ubi supra.*

Quit-tus, *Quiet*, *fine*, acquitted, Is a word used by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Discharges given to Accomptants; usually concluding with an *abinde recessit quietus*, which is called a *Quit-tus est*, and mentioned in the Act of General Pardon, 12 Car. 2. 11. and 14 Car. 2. cap. 21. A *Quit-tus est* granted to the Sheriff, shall discharge him of all Accounts due to the King, 21 Jac. cap. 5.

Quinquagesima-Sunday, Is that we call *Shrove-Sunday*, and was so named, because it is about the fiftieth day before Easter. The reason of the Name you may find in *Durandi rationali Divinorum, capit. de quinquagesima*; and we mention it here, because they are frequently spoken of in our ancient Law-writers, as *Britton 33.* and divers others.

Quinsime or *Quinsime*, *Decima quinta*, A fifteenth with us, it is a Tax so called, because it is raised upon the fifteenth part of Mens Lands and Goods. See *Fifteenth and Tax*, 7 H. 7. cap. 5. *Crompton* in his *Jurisd. fol. 21.* saith, That it is more commonly of late raised upon Land, though in some places by Goods also; and it is well known by the Exchequer Roll, what every Town through England is to pay for a *Fifteenth*. Sometime this word *Quinsime* is used for the fifteenth day after any Feast, as *Quinsime of St. John Baptist*, 13 E. 1. 3. & 18 E. 1. cap. 1.

Quintal, *Quintallus*, A weight of Lead, Iron, and common Metals, usually one hundred pounds, at six score per Cent. — *Unus quintallus ferri vel aceri qui continet ix. petras & dimid. lib. valet ix s. & sic valet qualibet petra xij. den. qualibet libra i. den.* — *Regule Compti domus de Farendon, MS.*

Quintane, *Quintana*, French *Quintayne* & *Bersant*, a kind of Exercise that young men did, and still do use in some places of this Nation, to try the agility of the Country youth. *Spelman* in his *Glossary* describes it thus from his own Observation, — *Ejus forma (ut semel aliquando puerulus vidi) hac est, Ereclat ubi perica incumbit versatilis uno sine peram dimittens*

arenâ gravidam; altero tabulam affixam, qua dum à currenti equite fortius hastâ impellitur, perâ violentius circumactâ, impellentis collum (in citius coarctat) fortiter verberat. But what it was anciently *Mar. Paris* in *Hen. 3. sub initio*, Anno 1253. thus delivers, *Es tempore juvenes Lond. statuto pavone pro Bravio ad stadium quod quintana vulgariter dicitur vires proprias & equorum cursus sunt experti.* &c. It was at first a Roman Military Sport, and is still retain'd and most practis'd in those parts of England which lay adjacent to the Roman Garisons and Ways. See a large Account of this customary Sport in *Mr. Kennet's Paroch. Antiquit. p. 18.*

Quint-Exact, *Quinto Exactus*, 31 Eliz. cap. 3. Is the last call of a Defendant, who is sued to the Out-lary, where, if he appear not, he is by the Judgment of the Coroners returned *Outlawed*, if a Woman, *waved*. See *Exigent*.

Quinque Portus, The *Cinque-Ports*, which are *Hastings*, *Romene*, *Hethe*, *Dover* and *Sandwich*; to the first *Winchelsea* and *Rye* belong, which are reckoned as parts or members of the *Cinque-Ports*; other members belonging to the same are, *Sesford*, *Pevensey*, *Hedney*, *Hamme*, *Wakesborne*, *Crenethe*, and *Forthel-pye*. This Port of *Hastings* is bound to find twenty one Ships, and in each twenty one Men with a Boy. The second Port is *Romene*, and that finds five Ships, in each twenty four Men and a Boy; to this as members belong, *Brombelle*, *Lyde*, *Oswareston*, *Dengemaves*, and *Romenhulle*. The third, *Hethe*, finds five Ships, in each twenty one Men and a Boy; to this belongs *Westmethe*. *Dover* the fourth, finds twenty one Ships, in each twenty one Men with a Boy, to which are members, *Folkston*, *Feverham* and *Mergate*. Lastly, *Sandwich* finds five Ships, in each Ship twenty one Men and a Boy, and it hath as members, *Forwich*, *Reculver*, *Servé* and *Dale*, the number of all the Ships are 57, the Men in them 1188, the Boys 57. And the Service that the Barons of the *Cinque-Ports* acknowledge to owe, upon the King's Summons every year, if it shall happen, to attend with these Ships fifteen days at their own proper Costs and Charges; so that the first day be reckoned from the time when they put up their Sails, to set out to those parts whither they are to go: And to stay as long as the King pleases at his own charge. &c. See a Catalogue of the Lord Wardens of the *Cinque-Ports*, at the end of *Mr. Somner's Treatise of the Roman Ports and Forts* in *Kent*, 8^o. *Oxford*, 1693. in which Discourse there be many Authorities and Observations relating to the Antiquities and Customs of the *Cinque-Ports*.

Quitte Clayme, *Quiera clamantia*, Is a Release, or acquitting of a Man, for any Action that he hath, or might, or may have against him. Also a *quitting* of ones Claim or Title, *Bracton, lib. 5. tract. 5. cap. 9. num. 9. lib. 4. tract. 6. cap. 13. num. 1.*

Quit-Rent, *Quietus redditus*, Is a certain small Rent, payable yearly by the Tenants of most Mannors; upon the payment whereof they are quit and free, till it becomes due again: This in some ancient Records, according to *Spelman*, is written *white Rent*, because paid in Silver. Hither may be referred what we find in *Lambard's Itinerary*, pag. 212. concerning the Tenants of *Christ-Church* in *Canterbury*, dwelling without the *Wield*.

De redditu 7 s. 6 d.
De viginti ovis 8 s. 1 d.
De Gallinis
& Beneris } 8 s. 16 d.

The Sum of the whole *Quit-Rent* is — 8 s. 11 d.

Quod ei Desorceat, Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Term of Life, having lost by default against him that Recovered, or against his Heir. See *Broke, hoc tit. Reg. Orig. fol. 171.* and the *New Book of Entries*, verb. *Quod ei Desorceat*.

Quod permittat, Is a Writ that lies for the Heir of him that is disfeised of his Common of Pasture against the Heir of the Disfeisor being dead, *Termes de la Ley 526.* Britton, cap. 8. says, That this Writ lies for him, whose Ancestor died seized of Common of Pasture, or other like thing annexed to his Inheritance against the Desorceor. See *Broke hoc titulo, Reg. Orig. fol. 155.* and the *New Book of Entries*, verb. *Quod permittat*.

Quod Clerici non eligantur in Districto Ballivi, &c. Is a Writ that lies for a Clerk, which, by reason of some Land he hath, is made, or in doubt to be made Bayliff, Beadle, Reeve, or some such like Officer. See *Clerico infra sacros, &c. Reg. Orig. fol. 137.* and *F. N. B. fol. 175.*

Quod Clerici beneficiati de Curia, Is a Writ to exempt a Clerk of the Chancery from Contribution towards the Proctors of the Clergy in Parliament, *Reg. Orig. fol. 261.*

Quod Persona nec Prebendaria, &c. Is a Writ that lies for Spiritual Persons that are distrained in their Spiritual Possessions, for the payment of a Fifteenth with the rest of the Parish, *F. N. B. fol. 176.*

Quod non permittat. See *Consuetudinibus* and *Servitiis*.

Quo Jure, Is a Writ that lies for him that has Land, wherein another challengeth Common of Pasture time out of mind: And it is to compel him to shew by what Title he challenges it, *F. N. B. fol. 128.* and Britton more largely, cap. 59. *Reg. Orig. fol. 156.* and the *New Book of Entries*, verb. *Quo jure*.

Quo minus, Is a Writ that lies for him that hath a Grant of *Hause-bote* and *Hay-bote* in another Mans Woods against the Grantor, making such waste as the Grantee cannot enjoy his Grant, *Old Nat. Brev. fol. 148.* and *Kitchin, fol. 178.* This Writ also lies for the King's Farmer in the Exchequer, against him to whom he selleth any thing by way of Bargain touching his Farm, or against whom he hath any Cause of personal Action, *Perkins Grants 5.* For he supposeth by the Vendee detaining any due from him, he is made *less able* to pay the King's Rent. And under this pretence, any one who pays the King a Fee-Farm Rent, may have this Writ against any other person for any Debt or Damage, and bring the Cause to tryal in the Exchequer.

Quorum, Is a word often mentioned in our Statutes, and much used in Commissions both of Justices of the Peace, and others. As for example, Where a Commission is directed to seven Persons, or to any three of them, Whereof A. B. and C. D. to be two, there A. B. and C. D. are said to be of the *Quorum*, because the rest cannot proceed without them: So a Justice of the Peace and *Quorum*, is one without whom the rest of the Justices in some Cases cannot proceed, *Anno 3 H. 7. cap. 3.* and *32 Hen. 8. cap. 43.*

Quo Warranto, Is a Writ that lies against him that usurps any Franchise or Liberty against the King, as to have *Waife, Stray, Fair, Market, Court-Baron, Leet*, or such like, without good Title, *Old Nat. Brev. fol. 149.* Or else against him that intrudeth himself as Heir into Land, *Bracton, lib. 4. tract. 1. cap. 2. num. 3.* Bro. *hoc tit. 18 E. 1. stat. 2 & 3.* & *Anno 30. ejusdem.* And the *New Book of Entries*, verb. *Quo Warranto*.

Quota, A Tax or Imposition to be Levied in equal manner. — *Et quod nulla impositiones, con-*

tributiones, taxa, quota, tallagia vel auxilla ipsis tanquam alienigenis aliquo modo imponantur. — *Carta Ric. 2. in Mon. Angl. Tom. 1. p. 538.*

Quyke, Was anciently used for a living or quick Beast, as appears by the Will of *John Bracebridge* of *Kinnersbury Esq;* dated 7 H. 8. wherein it is appointed, That his best Quyke should be taken in the name of his Mortuary.

The Quyre of a Boar, Is the Hounds Fee, but what part it is we are unsatisfied; but if we may guess, we think it may denote the Heart, and then doubtless a word corrupted from the French *Coar*, *Skymer's Etymologicon, Ling. Angl.*

R.

R. Is called *Litera canina*, the Dogs Letter, because it has a jarring sound, such as Dogs use when they snarle; and *Pimponius* writes, That it was first invented by *App. Claudius*, in L. 2. de *Orig. Jur.* See *Vocab. utriusq. juris.*

Rachet, **Rachetum**, or (as *Skene*) **Rachatum**, Derived from the French *Rachater* or *Racheter*, *redimere*; It is the same with **Thetiboote**, which is the compensation or redemption of a Thief. *Rachetum est thieftute vel redemptio capta pro venditione furum, latronum vel aliorum malefactorum*, *Skene de verb. Sign. verb. Rachetum.*

Racke, **Fidicula**, So called, because Persons are there tortured at fides inventatur. An Engine in the Tower with Cords and Strings to extort confession from Delinquents: *John Holland* Earl of *Huntington* was by King *Henry the Sixth* created Duke of *Exeter*, and made Constable of the Tower: He and *William de la Poole* Duke of *Suffolk*, and others, intended to have brought in the Civil Laws; for a beginning whereof, the Duke of *Exeter* first brought into the Tower the *Racke* or *Brake*, allowed in many Cases by the Civil Law, and thereupon it was called *The Duke of Exeter's Daughter*, 3 *Inst. fol. 35.*

Rackevintage, *Anno 32 H. 8. 14.* Is a second Vintage, or Voyage, for Wines by our Merchants into France, &c. for rack'd Wines, cleansed and drawn from the Lees: From this Voyage our Merchants commonly return about the end of December, or beginning of January.

Rad-knights. Vide *Rodeknights*.

Radechenistres, In *Doomsday Book*, *Interpretatur pro liberis hominibus*, as fol. 18. tit. *Glouc. Berchelay* — *Hii Radechemistr. arabant & hircabant ad Curiam Domini*, & ibidem tit. *Derhurst*, *De terra hujus Manerii tenebant Radechenistres*, i. *liberi homines, forte* (saith *Spelman*) *sit idem quod Bractano Radeknights*. See *Co. on Lit. sess. 117. verb. Socagium*, pag. 86.

Radman, *Doomsday*, tit. *Hereffshire*, 15. *Border. Prapostus & unus Radman, &c.* It seems to be the same with *Rodeknight*, unless peradventure it be derived from *Rease* Counsel, and so *Readmans* signifies Counsellors.

Rageman, Is a Statute so called of Justices, assign'd by *Edward the First* and his Counsel, to go a Circuit through all England, and to hear and determine all Complaints or injuries done within five years next before *Michaelmas*, in the fourth year of his Reign.

Ragmans Roll, *Sir Richard Baker* in his Chronicle, fol. 127. saith, That *Edward the Third* surrendered, by his Charter, all his Title of Sovereignty to the Kingdom of *Scotland*, restored divers Deeds and Instruments of their former Homages and Fealties, with the famous Evidence called *Ragmans Roll*. *Rag.*

Raglogia, Is a word mentioned in the Charter of Edward the Third, whereby he made his eldest Son Edward Prince of Wales in Parliament at Westminster the Seventeenth year of his Reign, recited by Selden in his *Titles of Honour*, pag. 597. — *Cum Forestis, Parcibus, Chajen, Boscis, Warenis, Hundredis, Comotis, Ragloris, Ringeldis, Wodewardis, Constabularis, Ballivis, &c.* Davies in his Dictionary says, That *Rhaglogia* among the Welsh signifies *Seneschallus, Surrogatus, Propositus*.

Ramhundert, In the Constitutions of King Canutus, touching the Forest, Art. 30. 'tis said, *Item de canibus quod Ramhundert vocant.*

Ramalia, Lopping and Topping, or the Branches, Boughs, or heads of Trees cut off or blown down. — *Poterunt etiam colpare & habere ramiliam, & omnia genera arborum quae in eodem manerio fuerant.* Continuat. Histor. Croiland. p. 473. *Ramalia*, Broken Boughs. *Cum autem in boscis nostris aliqua succiderimus, licebit eis sine aliquo ferramento vel aliquo ustilio facibili intrare, & Ramalia quae de Wyveda remanserint, quae Anglicè spren dicuntur, Colligere.* — *Conventio inter Priorem & Conv. Cant. & Homines suos de Chesham Anno 1166.* Reg. Eccl. Christi Cantuar. MS. penes Rev. Johannem Episc. Norwic.

Ran, Is a Saxon word, and signifies *aperta rapina*, open or publick Theft, *Lamb. Archai.* fol. 125. defines it thus, *Ran dicitur aperta rapina, quae negari non potest.* In the Saxon Laws of King Canute, cap. 58. — *Si in professione militari Ran commiserit, pro facti ratione emendato.* Hoveden in the latter part of H. 2. speaking of some things which William the Conqueror commended in the Laws of England, saith, *Decretum est etiam ibi, ut si Francigena appellaverit Anglicum, de perjurio aut mardo, furto, homicidio, Ran quod dicunt apertam rapinam quae negari non potest, Anglicus se defendat, per quod melius voluerit, aut iudicio ferri aut duello.* So we still say, when a Man takes away the Goods of another by open Violence, he hath taken all he could *Rap and Ran*.

Range, From the French *Ranger*, to order, dispose of. It is used in the *Forest Laws* both as a Verb, as to *Range*; and a Substantive, as *to make Range*, *Charta de Foresta*, cap. 6. To *Range* also signifies to wander and stray about.

Ranger, Is a sworn Officer of the Forest, of which there are twelve, *Id.* cap. 7. whose Authority is in part described by his Oath set down by *Manwood*, part 1. pag. 50. but more particularly part 2. cap. 20. num. 15, 16, 17. His Office chiefly consists in three points, To walk daily through his Charge, to see, hear and inquire, as well of Trespasses as Trespassers in his Bayliwike; To drive the Beasts of the Forest both of *Venery* and *Chace* out of the deafforested into the forested Lands: And to present all Trespasses of the Forest at the next Courts holden for the Forest. This *Ranger* is made by the King's Letters Patent, and hath a Fee of twenty or thirty pound paid yearly out of the *Exchequer*, and certain *Fine-Deer*.

Ransome, *Redemptio*, Is derived of the French *Rancin* or *Rencon*, *redemptio* signifies properly the Sum that is paid for the redeeming one that is taken Prisoner in War: But it is used also for a sum of Money paid for the Pardoning some great Offence, as in the Statute of 1 H. 4. cap. 7. 11 H. 6. 11. and 23 H. 8. cap. 3. where *Fine* and *Ransome* are joined together: But here note, That when one is to make a *Fine* and *Ransome*, the *Ransome* shall be treble to the *Fine*, *Crompt. Just. of Peace*, fol. 142. and *Lamb. Eiren.* lib. 4. cap. 16. pag. 556. *Horne* in his *Mirror of Justice* makes this difference between *Amerciament* and *Ransome*, that *Ransome* is the redemption of a

corporal punishment due by Law to any offence, *Lib. 3. cap. De Amerciament. taxable.* See *Co. on Lit.* fol. 127.

Rape, *Rapa & Rapus*, Is a part of a County, being in a manner the same with a Hundred, and sometimes contains in it more Hundreds than one. As all *Sussex* is divided into six *Rapes* only, viz. Of *Chichester, Arundel, Bremler, Lewis, Pevensey* and *Hastings*; every of which, besides their Hundreds, hath a *Cassle, River* and *Forest* belonging to it, *Cantab. Brit.* pag. 225, and 229. These, in other Counties, are called *Hundreds, Tythings, Lathes* and *Wapentakes*, *Smith de Rep. Ang.* lib. 2. cap. 16.

Rape, *Raptus*, Is a Felony committed by a Man, in the violent deflouring of a Woman against her will, be she old or young, *Britton. cap. 1. West. Symbol.* part 2. tit. *Inditements*, sect. 54. hath these words, *Copulation violent* is termed a *Rape* or *Ravishment* of the Body of a Woman against her will, which is carnal knowledge had of a Woman, who never consented thereunto before the Fact or after. And this in *Scotland* ought to be complain'd of the same day or night that the Crime is committed, *Skene de verbor.* Signif. verb. *Raptus*, and his reason is, *quia lapsu diei hoc crimen praescribitur.* *Co. on Lit.* lib. 2. cap. 11. sect. 190. says, If the Woman conceive it is no *Rape*; for she cannot conceive, unless she consent. This Offence is Felony both in the Principal and his Aiders, 13 R. 2. stat. 2. cap. 1. 11 H. 4. cap. 13. 1 E. 4. cap. 1. and *Westm.* 2. cap. 13. and shall not be allowed the benefit of Clergy, 18 Eliz. cap. 7. And *Fleta* says, The Complaint must be made within forty days, or else the Woman may not be heard, *lib. 3. cap. 5. sect. Preterea.* And carnal knowledge of a Woman under ten years old is Felony, 8 Eliz. 6. Of the diversity of *Rapes*, see *Crompt. Justice of Peace*, fol. 43, 44. the Offender is called *Raptor*, a *Ravisher*, and in *Braffon's* time was punished with the loss of his Eyes and Stones, *Qua calorem stupri induxerunt*, 3 Inst. fol. 60. see *Ravishment*. The Civil Law useth *Raptus* in the same signification, And *rapere virginem vel mulierem est ei vim inferre & violare.* See *Dyer, Term. Mich.* 13 & 14 Eliz. pag. 304.

Rape of the Forest, *Raptus Forestae*, Is reckoned among those Crimes, whose Cognisance belongs only to the King. *Violentus concubitus, Raptus Forestae, revelationes baronum suorum, &c.* Leg. Hen. 1. cap. 10. Trespass committed in the Forest by violence.

Rapine, *Rapina*, To take a thing in private against the Owners will, is properly Theft; but to take it openly, or by violence, is *Rapine*, 14 Car. 2. cap. 22. and 18 Car. 2. cap. 3.

Raptu heredis, Is a Writ lying for the taking away of an Heir holding in *Socage*; of which there are two sorts, one when the Heir is married, the other when he is not; of both these, see the *Reg. Orig.* fol. 163.

Rafe, *Raseria*, It seems to have been a measure of Corn now disused. Toll shall be taken by the *Rafe*, and not by the *Heap* or *Cartel*, Ordinance for *Bakers, Brewers, &c.* cap. 4. *Debentur ei annuatim decem & octo Raseria avenae, & sex Raseria hordei, &c.* *Spelman.*

Rafus alleorum, A *Rafe* of Onions, thus computed in *Fleta*, lib. 2. cap. 12. § 12. *Rafus alleorum continet xx. stones, & qualibet stonis xxv. capita.*

Rasall, Was an eminent and learned Lawyer that lived in Queen *Maries* days, and was a Justice of the Common-Pleas; he made an Abridgment of the Statutes, which bears his name to this day. He was also the Author of the *New Book of Entries*.

Rate-tythe, Is, when Sheep, or other Cattel, are kept in a Parish for a less time than a year, the Owner must pay *Tith* for them *pro rata*, according to the

Custom of the Place, *F. N. B. fol. 51. Broke, Dismes 26. Pro rata dicimus, pro portione vel proportionaliter. Linwood.*

Ratification, Ratificatio, A ratifying or confirming. It is used for the confirmation of a Clerk in a Prebend, &c. formerly given him by the Bishop, &c. where the right of Patronage is doubted to be in the King. See *Reg. Orig. fol. 304.*

Ratio, Properly signifies reason; but we take it mostly for an Account, as *reddere rationem*, to give an Account, and so it is frequently used.

Rationabili parte bonorum, Is a Writ that lies for the Wife against the Executors of her Husband, denying her the third part of her Husband's Goods, after Debts and Funeral Charges defrayed, *F. N. B. fol. 222.* who there cites the Eighteenth Chapter of *Magna Charta*, and *Glanville*, to prove that according to the Common Law of England, the Goods of the Deceased, his Debts first paid, should be divided into three parts, whereof his Wife to have one, his Children the second, and the Executors the third; and this Writ lies as well for the Children as Wife, which appears by *Reg. Orig. fol. 142.* Yet it seems to be in use no where, unless the Custom of the Country leads to it. See the *New Book of Entries*, verb. *Rationabili parte bonorum.*

Rationabilibus divisis, Is a Writ that lies where two Lords, in divers Towns, have Seignories joyned together, for him that findeth his waste by little and little to have been encroached upon, against the other that hath encroached, thereby to rectifie their Bounds; in which respect *Fitzherbert* calls it in its own nature a Writ of Right. The *Old Nat. Brev.* says, That this is a kind of *Justicies*, and may be removed by a *Pone* out of the County to the Common-Bench. See the form and use hereof in *F. N. B. fol. 128.* and *Reg. Orig. fol. 157.* and *New Book of Entries*, verb. *Rationabilibus divisis.* The *Civilians* call this *Judicium finium Regundorum.*

Rabishment, Raptus, Signifies an unlawful taking away either a Woman, or an Heir in ward: Sometimes also it is used in the same sense with *Rape*, which see.

Rabishment de gard, Was a Writ that lay for the Guardian by Knights-service, or in Socage, against him that took from him the Body of his ward. See *F. N. B. fol. 140.* See *12 Car. 2. cap. 24.*

Ravisher, Raptor, He that deflowres a Woman by Violence. See the Penalty for ravishing, or being ravished, afterwards consenting, in the Statute *6 R. 2. cap. 6.* See *Rape.*

Rawe, Is a word mentioned *Anno 4. E. 4. 1.*

Rawnge and Ratonger. See *Range* and *Ranger.*

Ray, Is a word appropriated to Cloth never coloured or dyed, *17 R. 2. cap. 3, 11 H. 4. cap. 6.* and *1 R. 3. cap. 8.*

Reafforested, Is where a Forest hath been disafforested, and again made Forest, as the Forest of Deane, by the Statute of *20 Car. 2. cap. 3.*

Realty, Is an abstract of real, and distinguished from *Personalty.*

Reap-towel, Rip-towel, The gratuity or reward given to customary Tenants, when they have reaped their Lords Corn, or done their other customary Duties.—*Homines minoris Ingleham habebant, si operantur in Autumno, dimidian acram frumenti non hererati, & dimidian acram dragei ad Rip-towel.*—*Consuetud. domus de Farendon MS. f. 15.*

Reasonable ayde, Rationabile auxilium, Was a Duty that the Lord of the Fee claimed of his Tenants holding by Knights-service, or in Socage, to marry his Daughter, or make his Son Knight, *Westm. 1. cap. 39.* but taken away now. See the Stat. *12 Car. 2. cap.*

Reattachment, Reattachiementum, Is a second attachment of him that was formerly attached and dismissed the Court without day, as by the not coming of the Justices, or some such casualty, *Broke, hoc titulo*, where he makes *re-attachment General* and *Special*: *General*, is where a Man is reattached for his appearance upon all Writs of Assize lying against him, *Bro. ibid. num. 18.* Then *Special* must be for one or more certain, *Reg. Judic. fol. 35.* and *New Book of Entries, hoc verbo.*

Rebelleum, A Rejoinder, a Replication, an Answer in a Court of Equity.—*Cum consilaret nobis diem & locum esse constitutos prefato Roberto ad respondendum Rebello in causa predicta sibi porrecto.*—*Chartular. Abbat. Glaston. MS. f. 108.*

Rebellion, Rebello, Is a French word, or rather Latine, signifying the taking up of Arms traitorously against the King, be it by natural Subjects, or by others once subdued: Among the *Romans* it denoted a second resistance of such as formerly being overcome in Battel, yielded to their Subjection. The word *Rebel* is sometimes attributed to him that wilfully breaks a Law, *25 E. 3. 6.* and *31 E. 3. stat. 3. cap. 2.* Sometime to a Villain disobeying his Lord, *1 R. 2. cap. 6. Commission of Rebellion.* See in *Commission.*

Rebellious Assembly, Is a gathering together of Twelve persons, or more, intending or going about, practising or putting in use unlawfully of their own Authority; to change any Laws or Statutes of this Realm; or to destroy the Enclosure of any Park or Ground inclosed, or Banks of any Fish-Pound, Pool or Conduit, to the intent the same shall remain void; or to the intent unlawfully to have Common, or way in any of the said Grounds; or to destroy the Deer in any Park, or any Warren of Conies or Dove-houses, or Fish in any Ponds; or any House, Barns, Mills, or Bayes; or to burn Stacks of Corn, or to abate Rents, or prises of Victuals, *Anno 1 Mar. 12. & 1 Eliz. 17.* See *West. Symbol. part 2. tit. Indisements, sect. 65.* and *Crompt. Justice of Peace, fol. 21.*

Rebinare terram, To give a second stirring or ploughing to Arable Land that lies fallow, in order to prepare it for sowing Wheat, &c. *Die Sabbati post Festum omnium Sanctorum Anno 1322. ordinatum est in Capitulo Ecclesie Pauline, quod firma Ecclesiarum de Willestone. Sancti Pancratii, &c. quae sub nomine gratia Fratibus Stagiariis ad firmam per Capitulum secundum residentie sue cursum tradi solent quocumque tempore anni vocaverint in Festo Sancti Petri advincula realiter dimittantur, & tunc primum libere ingredientur Fratres succedentes.*—*Si quas vero terras warellaverit vel rebinaverit defunctus, sumptus appositos Executoribus defuncti vivos succedens solvere teneatur.*—*Ex Libro Statutorum Ecclesie Pauline per Tho. Lyfcaux Decanum collect. MS. penes Rev. Joh. Epum Norwic.*—*Concessi quod cum araverint, vel warellaverint, vel rebinaverint predictas terras suas, possint ducere & vertere carrucas suas super terram proxime jacentem absque impedimento.* *Chartular. Abbat. Radinges MS. f. 71. a.*

Rebutter, Cometh of the French *Bouter*, *repellere*, and signifies the same in the Common Law. For example, A Man grants Land to the use of himself, and the Issue of his Body, to another in Fee with warranty. And the Donee leaseth out his Land to a third for years; The Heir of the Donor impleadeth, the Tenant alledging, that the Land was in tail to him: The Donee comes in, and by virtue of the warranty made by the Donor, repelleth the Heir, because though the Land was intailed to him, yet he is Heir to the Warrantor likewise; and this is call'd a *Rebutter*, *Bro. tit. Barre, num. 23.* And again, If I grant to my Tenant, to hold *sine impetitione vassalli*, and after.

afterward I implead him for waste made; he may debar me of this Action, by shewing my grant: And this also is a *Rebutter*, Bro. *ib.* num. 25. *New Book of Entries*, verb. *Rebutter*, and Co. on *Lit. fol.* 365.

Reception, Receptio, Signifies a second Distress of one formerly distrained for the same Cause, and also during the Plea grounded on the former Distress: It likewise signifies a Writ, lying for the Party thus distrained; the form and farther use thereof, you may see in *F. N. B. fol.* 86. *Reg. Judic. fol.* 69. and the *New Book of Entries*, verbo *Reception*.

Receivcr, Receptor, Is with us as with the *Civilians*, commonly used in the evil part for such as receive stolen Goods from Thieves, and conceal them. But annexed to other words, as the *Receiver of Rents*, &c. It signifies many times an Officer of great account belonging to the King, or other great person, *Crompt. fol.* 18. There is also an Officer called *The Receiver of Fines*, who receives the Money of all such as compound with the King upon Original Writ in *Chancery*, *West Symbol. part.* 2. tit. *Fines*, sect. 106. *Receiver of all Offices accountable*, 1 E. 4. cap. 1.

Receiver-General of the Duchy of Lancaster, Is an Officer belonging to the *Duchy Court*, that gathers in all the Revenues and Fines of the Lands of the said Duchy, and of all Forfeitures and Assessments, or what else is thence received, *Anno 39 Eliz. cap.* 7.

Receiver-General of the Court of Wards and Liveries, Was an Officer belonging to that Court; but the Court being taken away by the Stat. 12 Car. 2. cap. 24. that Officer is also out of Doors.

Receiver-General of the House Rolls, *Anno 35 Eliz. cap.* 4.

Recit. See *Rescit*.

Rechatum, K. Edw. 1. grants a Charter to the Barons of the Cinque-Ports. — *Ut quieri sint de omni thelonio & de omni consuetudine videlicet ab omni lastagio, tollagio, passagio, cayagio, vivagio & omni wrecko & de omni venditione achato & rechato suo super totam terram & potestatem nostram.* — *Placit. temp. Ed. 1. & Ed. 2. MS. 4^o penes Dom. Fountains ex Aede Christi Oxon.*

Recluse, Reclusus, Is one that by reason of his Order in Religion, is shut up, and may not stir out of the House or Cloyster, of whom *Littleton* speaks, *sect.* 434.

Recognizance, Recognitio, Cometh of the French *Recognizance*, and is as a Bond or Obligation of Record, testifying the Recognisor to owe to the Recognisee a certain Sum of Money, and is acknowledged in some Court of Record, or before some Judge, Master of the Chancery, or Justice of Peace, *23 H. 8. 6.* and those that be meer Recognizances are not sealed but enrolled, and execution by force thereof is of all the Recognisors Goods or Chattels (except draught Beast and Implements of Husbandry) and the moyety of his Lands, *West Symbol. part.* 1. lib. 2. *sect.* 149. and *Reg. Orig. fol.* 146, 151, & 252. See also *Statute-Merchant* and *Statute-Staffe*. *Recognizance* hath yet another signification, as appears by these words in the Statute, *Westm. 1. cap.* 36. For it is there provided and agreed, That if any Man be attainted of Disseisin, done in the time of the King that now is, with robbery of any manner of Goods or Moveables, by Recognizance of Assise of Novel Disseisin, the Judgment shall be, &c. where it is used for the Verdict of the twelve Men impannelled upon an Assise, which twelve are also called Recognitors of the Assise, *Lit. fol.* 72. So also *Bracton* names them, lib. 5. *tract.* 2. cap. 9. num. 2. and lib. 3. *tract.* 1. cap. 11. num. 15. See the Stat. 20 E. 1. Stat. 4. and *New Book of Entries*, verbo *Recognizance*.

Recogniter, Is he to whom one is bound in a Recognizance, 11 H. 6. cap. 10.

Recognition, Recognitio, An acknowledgment; It is the Title of the first Chapter of the Statute made in the first year of King James. See *Skene de verb. Signif. verb. Recognition*.

Recognitione annullanda per bñm & duritiam facta, Is a Writ to the Justices of the Common Bench, for the sending of a Record touching a Recognizance, which the Recognisor suggests to have been acknowledged by force and duresse, that if it be so, it may be annulled, *Reg. Orig. fol.* 183.

Recognitors, Recognitores, Is a word frequently used for the Jury impannelled upon an Assise: The reason why they are so called, is, because they acknowledge a Disseisin by their Verdict, *Bracton, lib.* 5. *tract.* 2. cap. 9. num. 2. & lib. 3. *tract.* 1. cap. 11. num. 15.

Record, Recordium, Cometh of the Latine *Recordari*, to remember, and signifies an authentick and uncontrollable Testimony in writing, contained in Rolls of Parchment, and preserved in Courts of Record, and they are said to be *Vetustatis & veritatis vestigia*, Co. *Preface* to his 8. Rep. *Britton, cap.* 27. and *Lamb. Eiren. lib.* 1. cap. 13. An Act committed to writing in any of the Kings Courts, during the term wherein it is written, is alterable, being no Record; but that Term once ended, and the Act duly enrolled, it is a Record, and of that credit, that admit no alteration or proof to the contrary, Bro. *tit.* Record, num. 20. 22. yet see Co. 4. Rep. *Rawlins Case*, fol. 52. The King may make a Court of Record by his Grant, *Glanville, lib.* 8. cap. 8. *Britton, cap.* 121. As Queen Elizabeth by her Charter, dated the 26. of April, in the third year of her Reign, made the Consistory Court of the University of Cambridge, a Court of Record, Bro. *tit.* Record, seems to insinuate that no Court Ecclesiastical is of Record, yet we see that Bishops certifying, Bastardy, Bigamy, Excommunication, a Marriage, Divorce, or the like, are credited without farther inquiry, *Fleta, lib.* 6. cap. 39, 40, 41, 42. *Lamb. Eiren. lib.* 1. cap. 13. *Glanville, lib.* 7. cap. 14, 15. *Reg. Orig. fol.* 5. *Bracton, lib.* 5. *tract.* 5. cap. 20. num. 5. *Britton, cap.* 92, 94, 106, 107, & 109. *Doll. & Stud. lib.* 2. cap. 5. And a Testament shewed under Seal of the Ordinary is not traversable, 36 H. 6. cap. 31. *Perkin's Testament* 491. *Fulbecke's Parallels*, fol. 61. The reason of which Opinion may be, because by the Civil or Canon Law, no Record is held so firm but that it may be checked by Witnesses able to depose it to be untrue; whereas in our Common Law against a Record of the King's Court, after the Term wherein it is made, no Witness can prevail, *Britton, cap.* 109. Co. *lib.* 4. fol. 71. *Hind's Case*, *Lib. Aff. fol.* 227. nota 21. We reckon three sorts of Records, viz. A Record Judicial, as Attainder, &c. A Record Ministerial upon Oath, as an Office or Inquisition found. And a Record made by conveyance and consent, as a Fine or Deed enrolled, or the like, Co. *lib.* 4. fol. 54. b. *Ognell's Case*.

Recordare facias, or Recordari facias, Is a Writ directed to the Sheriff, to remove a Cause depending in an inferior Court, as Court of ancient Demesne, Hundred or County, to the King's Bench or Common Pleas, *F. N. B. fol.* 71. where, and in what Cases this Writ lies, read *Broke, tit.* Recordare & Pene. It seems to be called a Recordare, because it commands the Sheriff to whom it is directed to make a record of the Proceedings by himself and others, and then to send up the Cause. See the Table of the *Reg. Orig.* verbo *Recordare*. See also *Certiorari*, and *Accedas ad Curiam*.

Recorder, Recordator, Is he whom the Mayor, or other Magistrate of any City or Town Corporate having Jurisdiction, or a Court of Record within their Precincts, by the King's Grants, doth associate unto him

him for his better direction in matters of Justice and Proceedings according to Law: And is therefore for the most a Man versed and experienced in the Law. What they call a Recorder in other Foreign parts, see in the *Customary of Normandy*, cap. 107, & 121.

Recordo & processu mittendis, Is a Writ to call a Record together, with the whole proceeding in the Cause out of an inferior Court into the King's Court: which see in the Table of the *Reg. Orig.* how diversly it is used.

Recordo utlagare mittendo, Is a Judicial Writ, which see in *Reg. Judic.* fol. 32.

Recovery, Recuperatio. May be extracted from the French *Recouvrer*, i. *recuperare*, and signifies in a legal Acceptation an obtaining any thing by Judgment or Tryal of Law, as *Evictio* doth among the *Civilians*. And here note, That there is a true recovery, and a feigned one. A true recovery is an actual or real recovery of any thing, or the value thereof by Judgment; as if a Man sued for any Land, or other thing moveable or immovable, and have a Verdict and Judgment for him. A feigned recovery is (as the *Civilians* call it) *Quidam fictio juris*, a certain form or course set down by Law, to be observed, for the better assuring of Lands or Tenements unto us; and the end and effect thereof, is (according to *West Symbol.* part 2. tit. *Recoveries*, sect. 1.) to discontinue and destroy Estates tail, Remainders and Reversions, and to bar the Intails thereof. And in this formality are required three persons, viz. The Demandant, Tenant and Vouchee. The Demandant, is he that brings the Writ of Entry, and may be termed the *Recoverer*. The Tenant, is he against whom the Writ is brought, and may be termed the *Recoveree*. The Vouchee, is he whom the Tenant voucheth, and calls to warranty for the Land in demand. A recovery with double Voucher, is, where the Tenant voucheth one, who voucheth another, or the common Vouchee. And a recovery with treble Vouchers, is, where three are vouched. But to explain this point a little more, A Man that is desirous to cut off an Estate tail in Lands or Tenements, to the end, to sell, give, or bequeath it, causeth (by the contrivance of his Council or Attorney) a feigned Writ of Entry, *sur disseisin en le Poit*, to be brought for the Lands of which he intends to cut off the entail, and in a feigned Count or Declaration thereupon made, pretends he was disseised by him, who by a feigned Fine, or Deed of Bargain and Sale, is named and supposed to be the Tenant of the Land. This feigned Tenant, if it be a single recovery, is made to appear and vouch the Bagbearer of Writs for the *Custos breviarum* in the Common Pleas (for there only can such recoveries be suffered) who makes default. Whereupon the Land is recovered by him that brought the Writ, and a Judgment is by such fiction of Law entered, that the Demandant shall recover, and have a Writ of *Seisin* for the possession of the Lands demanded, and that the Tenant shall recover the value of the Lands against the Lands of the Vouchee. Bagbearer, a poor unlanded and illiterate Person, which is feigned to be a satisfaction to the Heir in tail, tho' he is never to have or expect it. This feigned recovery is also called a common recovery, because it is a beaten and common path to that end for which it is appointed, viz. to cut off the Estates above specified. See *New Book of Entries*, verb. *Recovery*. But a true recovery is as well of the value, as of the thing: For example, If a Man buy Land of another with warranty, which Land a third person afterwards by Suit of Law recovereth against me, I have my remedy against him that sold it me, to recover in value, that is, to recover so much in Money as the Land is worth, or so much other Land by way of exchange, *F. N. B.*

fol. 134. To recover a warranty, *Old Nat. Brev.* fol. 146. is to prove by Judgment, that such a Man was his warrant against all Men for such a thing.

Recoupe, From the French *Recouper*, to cut again; also to reply quickly and sharply to a peremptory Demand; we use it to defalke or discount. As if a Man hath ten pounds issuing out of certain Lands, and he disseises the Tenant of the Land in an Affise brought by the Disseisee, the Disseisor shall Recoupe the Rent in the Damages.

Recreant, French Cowardly, Faint-hearted. See *Craven*.

Rectatus, *Spelman* interprets it *Suspectus*, ad verum vocatus. *Officium Coronatoris edit*, Anno 3 E. 1.—*De Thesauris invento debet Coronator inquirere qui fuerint Inventores & similiter quis inde rectatus est, & hoc potest scire eo quod vixerit delicate & tabernam frequentat & diu sic se habuit, pro tali suspitione attachiari debent*, &c. See *Bracton* 123. num. 8.

Recta prisca Regis, The King's Right to a Prize, or taking of one But or Pipe of Wine before the Mast, and another behind the Mast, as a Custom for every Ship laden with Wines. *K. Edw. 1.* in a Charter of many Privileges to the Barons of the Cinque-Ports, discharged them of this Duty.—*Quo de propriis vinis suis de quibus negotiantur quicquid sint de recta prisca nostra videlicet de uno doleo vini ante malum & alio post malum*.—*Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fontaines.*

Rectatio, Claim of Right, or Appeal to Law for recovery of it.—*Totam Parochiam & decimam absque omni calumpnia & rectatione concessit*. *Chartular. Radings.* *MS. f. 193. a.*

Rectitudo, Rectitude, Rights, Legal Dues.—*Siquis Dei rectitudines per vim deserviat, emendet*, i. e. If any one does violently detain the Rights of God, (Tithes and Oblations) let him be fined or amerced, to make full satisfaction. *Leges Hen. 1. cap. 6*—*Nec ob securitatem pacis adeptam detineant rectitudines vel servitia Dominorum suorum*. *Leg. Edw. Confess. cap. 30.*

Recto, Is a Writ of Right, which is of so high a nature, that whereas other Writs in real Actions are only to recover the possession of the Land or Tenements in question, which have been lost by our Ancestor or our selves; this aimeth to recover both the Seisin which some of our Ancestors or we had, and also the property of the thing whereof the Ancestor died not seised, as of Fee; and whereby are pleaded and tried both their rights together, viz. as well of Possession as Property: So that if a Man once lose his Cause upon this Writ, either by Judgment, Affise or Battel, he is without all remedy, and shall be excluded per exceptionem rei judicate, *Bracton*, lib. 5. tract. 1. cap. 1. & seq. It is divided into two kinds, 1. *Rectum Patens*, a Writ of right Patent, and *Rectum Clausum*, a Writ of right Close. This the *Civilians* call *Judicium Petitorium*. The Writ of right Patent is so called, because it is sent open, and is in nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands or Tenements sued for, and not for any other. And when it lyeth for him that challengeth Fee-simple, and in what Cases. See *F. N. B.* fol. 1. 6. where he speaks of a special Writ of Right in London, otherwise called a Writ of Right, according to the Custom of London. This Writ also is called *Breve Magnum de Recto*, *Reg. Orig.* fol. 9. and *Fleta* lib. 5. cap. 32. sect. 1. A Writ of right Close, is a Writ directed to a Lord of Ancient Dimesne, and lieth for those which hold their Lands and Tenements by Charter in Fee-simple, or in Fee-tail, or for term of Life, or in Dower, if they be ejected out of such Lands, &c. or disseised: In this Case a Man, or his

Heirs, may sue out this Writ of right *Clofe*, directed to the Lord of the *Ancient Demeſne*, commanding him to do him right, &c. in his Court. This is called *Breve parvum de reſto*, Reg. Orig. fol. 9. and Britton, cap. 120. in fine, alſo F. N. B. fol. 11. & ſeq. Yet note, That the Writ of right Patent ſeemeth farther to be extended in uſe than the original intention; For a Writ of right of Dower, which lies for the Tenant in Dower, and only for term of Life, is Patent, as appears by F. N. B. fol. 7. The like may be ſaid in divers other caſes, of which ſee the Table of the *Register Original*, verbo *Reſto*. This Writ is properly tried in the Lords Court between Kinsmen that claim by one Title from their Anceſtor. But how it may be thence removed, and brought either to the County, or to the Kings Court, ſee *ſleta*, lib. 6. cap. 3. 4. & 5. *Glanville* ſeems to make every Writ, whereby a Man ſues for any thing due unto him, a Writ of right, lib. 10. cap. 1. lib. 11. cap. 1. and lib. 12. cap. 1.

Reſto de dote, Is a Writ of right of Dower, which lieth for a Woman that hath received part of her Dower, and purpoſes to demand the remainder in the ſame Town, againſt the Heir, or his Guardian, if he be a Ward. Of this ſee more in *Old Nat. Brev.* fol. 5. and *Wizherbert*, fol. 7. Reg. Orig. fol. 3. and the *New Book of Entries*, verbo *Droit*.

Reſto de dote unde nihil habet, Is a Writ of right, which lies in caſe where the Husband having divers Lands or Tenements, hath aſſured no Dower to his Wife, and ſhe thereby is driven to ſue for her Thirds againſt the Heir, or his Guardian, *Old Nat. Brev.* fol. 6. Reg. Orig. fol. 170.

Reſto de rationabili parte, Is a Writ that lies always between privies of Blood, as Brothers in Gavelkind, or Sisters, or other Coparceners; as Nephews or Nieces, and for Land in Fee-ſimple. For example, If a Man leaſe his Land for term of Life, and afterward dies, leaving iſſue two Daughters, and after that the Tenant for term of Life dieth alſo, the one Siſter entering upon all the Land, and ſo deſorcing the other, the Siſter ſo deſorced ſhall have this Writ to recover part, F. N. B. fol. 9. Reg. Orig. fol. 3.

Reſto quando Dominus remiſit, Is a Writ of Right, which lies in caſe where Lands or Tenements that be in the Seigniorſhip of any Lord, are in demand by a Writ of Right; for if the Lord hold no Court, or otherwiſe at the prayer of the Demandant, or Tenant, ſhall ſend to the Court of the King his Writ, to put the Cauſe thither for that time, (ſaving to him at other times the right of his Seigniorſhip,) then this Writ iſſues out for the other Party, and hath the name from the words contained, being the true occaſion thereof: This Writ is *cloſe*, and muſt be returned before the Juſtices of the *Common Bank*, *Old Nat. Brev.* fol. 16. Reg. Orig. fol. 4.

Reſto de Abſolutione Eccleſie, Is a Writ of Right, lying where a Man hath right of Advowſon, and the Parſon of the Church dying, a Stranger preſents his Clerk to the Church, and he not having brought his Action of *Quare Impedit*, nor *Darrein Preſentment* within fix Months, but ſuffered the Stranger to uſurp upon him. And this Writ he only may have that claimeth the Advowſon to himſelf, and to his Heirs in Fee. And as it lies for the whole Advowſon, ſo it lies alſo for the half, third or fourth part, *Old Nat. Brev.* fol. 24. Reg. Orig. fol. 29.

Reſto de cuſtodia terre & heredis, Was a Writ that lay for him whoſe Tenant holding of him in Chivalry, died in Nonage, againſt a Stranger that entered upon the Land, and took the Body of the Heir; but by the Statute of 12 Car. 2. cap. 24. it is become uſeleſs as to Lands holden in *Capite*, or by *Knights-ſervice*, but not where there is Guardian in *Socage*, or appointed

by the laſt Will and Teſtament of the Anceſtor. The form of it, ſee in F. N. B. fol. 139. and Reg. Orig. fol. 161.

Reſto ſur Diſclaimer, Is a Writ that lies where a Lord in the Kings Court of *Common Pleas* avow upon his Tenant, and the Tenant diſclaimeth to hold of him; upon which diſclaimer he ſhall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he ſhall recover the Land for ever, *Old Nat. Brev.* fol. 150. which is grounded upon the Statute *Weſtm.* 2. cap. 2.

Reſtor, Is both Latin and Engliſh, ſignifying a Governor; and *Reſtor Eccleſie parochialis*, Is he that hath the Charge or Cure of a Pariſh-Church, *Qui tantum juſ in Eccleſia Parochiali habet, quantum Prælatuſ in Eccleſia Collegiata*: It has of late been over-ruled, that *Reſtor Eccleſie Parochialis*, is he that hath a *Parſonage* where there is a *Vicaridge* endowed; and he that hath a *Parſonage* without a *Vicaridge*, is called *Perſona*, but this diſtinction ſeems to be new and ſubtile. *Bracton* certainly uſes it otherwiſe, lib. 4. traſt. 5. cap. 1. in theſe words, *Et ſciendum quod reſtoribus Eccleſiarum parochialium competit Aſſiſa qui inſtituti ſunt per Episcopos & Ordinarios ut Perſona*; where it is plain, that *Reſtor* and *Perſona* be confounded. Obſerve alſo theſe words there following, *Item dici poſſunt Reſtores Canonici de Eccleſiis Prabendatis. Item dici poſſunt Reſtores vel quaſi Abbates, Priores & alii, qui habent Eccleſias ad proprios uſus*. See *Vicar*.

Reſtor, *Reſtoria*, Is taken for an entire Pariſh-Church, with all its Rights, Glebes, Tythes, and other profits whatſoever. *Spelman*. & The word *Reſtoria* was often uſed for the *Reſtors Manſe*, or *Parſonage-Houſe*. See *Paroch. Antig.* p. 549.

Reſtus in Curia, Is *verbatim*, right in Court, and ſignifies one that ſtands at the Bar, and no Man objects any thing againſt him, *Smith de Republ. Angl.* lib. 2. cap. 3. We take it alſo, that when a Man is Outlawed, he is *extra legem poſitus*; So when he hath reverted the Outlawry, and can participate of the benefit of the Law, he is *Reſtus in Curia*.

& *Rectum*, *Commune Rectum*, A Trial at Law, or in common courſe of Law. *Stare ad rectum*, to ſtand Trial.—*Præterea præcipit, quod omnes alii qui capti fuerant, qui non erant retenti per commune Rectum comitatus vel hundredi, vel per appellationem, eſſent quieti; & illi qui per commune Rectum ſunt retenti, ſi plegios in venire poſſint ſtandi ad rectum, ſiquis adverſus eos loqui voluerit, liberentur—ſi autem per appellationem reſtati ſunt, ſi fecerint pacem cum adverſariis ſuis redeant ad pacem*. *Hoveden Annal. Pars poſter.* p. 373.

Reddendum, Is uſed ſubſtantively for the Clause in a Leaſe, &c. whereby the Rent is reſerved to the Leſſor, Co. lib. 2. fol. 72. *Cromwells Caſe*.

& *Red Book of the Exchequer*, *Liber rubeus Scaccarii*. A Manuſcript Volume of ſeveral Miſcellany Treatiſes, in the keeping of the King's Remembrancer in the Office of Exchequer. It has ſome things (as the number of the Hides of Land in many of our Counties, &c.) relating to the times before the Conqueſt. The ceremonies uſed at the Coronation of Q. Eleanor, Wife to K. Hen. 3. are there at large. There's likewiſe an exact Collection of the Eſcuages under Hen. 2. Rich. 1. and K. John, compiled by Alexander de Swereford Archdeacon of Salop, and Treafurer of St. Pauls, who died in the year 1246. 31 H. 3. See Mr. *Nicholſon's* very uſeful Work, *Hiſt. Library*, Part 3. p. 100.

& *Redemptio*, A Ransom, or Commutation. By the old Saxon Laws, a Man convicted of a crime paid ſuch a Fine, according to his Ability, or the Eſtimation of his Head, *Pro redemptione ſua*, or *ad redemptionem*. X x & *Reddi-*

Rentarius, A Renter, a Tenant.—*Posit colligere & percipere totam præfatam pecuniam secundum quod extrahi fecimus de rotulo Redditariorum nostrorum.* Chartular. Abbat. Glaston. MS. f. 92. b.

Rentarium, A Rental, a Book or Roll, wherein the Rents and Services of a Mannor, or other Estate, are set down.—*Memorandum quod in Reddito de Lyndhurst super redditu ballivæ de Goddeshall irrotulatur, &c.* Chartular. Badingses. MS.

Reddition, A Judicial Confession and Acknowledgment, that the Land or thing in demand belongs to the Demandant, or at least not to the Person so surrendering. Stat. 34. 35 H. 8. cap. 24.

Rede, La Rede. *Memorandum quod octo virgate terræ integra debent arare octo acras terræ (pro Domino) & feminare proprio frumento & herciare, quæ vocatur la Rede.* Lib. Niger Hereford. f. 106.

Redissin, Redissina. Is a disseisin made by him, that once before was made and adjudged to have disseised the same Man of his Lands or Tenements; for the which there lies a special Writ, called a Writ of Redissin, Old Nat. Brev. fol. 106. F. N. B. fol. 188. New Book of Entries, eodem verbo. The Punishment for redissin, see in the Statute 52 H. 3. cap. 8. It is also taken for the Writ lying for a redissin, Reg. Orig. 206, 207.

Redmans or **Radmans**, Doomsday in fine Cestre-scire, tit. Lanc. Blackburne Hundert. Rex E. tenuit Pentverdant, ibi 11 Car. sunt in Domino 6. Burgenses & 3. Radmans, & 8. vill. & 4. bovar. These Redmans may be the same with Radknights, who, by the Tenure or Custom of their Lands, were to ride with or for the Lord of the Mannor, about his Business or Affairs.

Redubbers, Be those which buy stolen Cloth, knowing it such, and change it into some other form or colour that it may not be known, Britton, cap. 29. Crompton's Vicount, fol. 192. and 3 Infl. fol. 134.

Re-entry, May be deduced from the French *Re-entrer*, i. rursus intrare, to enter again, and signifies the resuming or retaking that Possession which we had lately forgone. For example, If I make a Lease of Land or Tenement, I do therefore forego the Possession; and if I do condition with the Lessee, That for non-payment of the Rent at the day, it shall be lawful for me to re-enter; this is as much as if I conditioned to take again the Lands, &c. into mine own Hands, and to recover the Possession by my own Fact, without the assistance of Judge, or other Process.

Reer County. See *Reir County*.

Re-rent, Is a second extent made upon Lands or Tenements, upon complaint made, that the former extent was partially performed, Bro. tit. Extents, fol. 313.

Refectory, *Refectorium*, That place in Monasteries where the Monks used to eat. So the Halls in Colleges and Inns of Courts may properly be called Refectories, places wherein the Scholars and Students eat and refresh themselves.

Referendary, *Referendarius*, Is the same as *Masters of Requests* are to the King among us; they were so called by the old Saxons, as appears by the Charter of the Endowment of the Monastery of St. Peter and Paul in Canterbury, dated Anno Dom. 605. where it is thus endorsed, *Ego Augemundus Referendarius approbavi.* *Ego Graphio Comes benedixi.* *Ego Tangisilus Regis optinam confirmavi, &c.* And in another Charter of the same King, *Testibus reverendissimis Patre Augustino Dorobernensis Ecclesiæ Archiepiscopo Primo, &c. Adbaldo filio meo, Hainigislio (Duce Landavi) Augemundo Referendario Hæccacomite, &c.* See Spelman hoc verbo.

Reffare, To bereave, or rob, or rifle. Saxon *Refan*.—*Si quis mortuum refarit vestibus aut armis.* Leges Hen. 1. cap. 83.

Refortuncula, *Walsingham* in Ed. 2. Anno Dom. 1317. saith, In Refortuncula sua de Horton latens vicinis similem injuriam inferebat.

Refullus aque, High-water, or return of a stream when it is damm'd or stop'd for the use of a Mill.—*Cum redundatione aque, & octodecim pedes ultra refullum aque, pro voluntate disforum Monachorum.* Mon. Angl. Tom. 2. p. 913.

Regal fishes, Are Whales and Sturgeons, Anno 1 Eliz. cap. 5. some add Porpusses. The King, by his Prerogative, shall have every Whale cast on shore in all places within this Realm, unless granted to Subjects by special words. The King himself shall have the Head and Body, and the Queen the Tail, to make Whalebones for her Royal Vestments, Pat. 1. E. 1. m. 25. dorso. See *Tract. de Auro Regine*, pag. 127.

Refutantia, *Refutatio*, An Acquittance, or Acknowledgment of renouncing all future claim.—*De omnibus receptis nomine nostro refutantias seu quietantias faciat prout viderit expedire.* Chartular. Abbat. Glaston. MS. f. 84. b.

Regalia, *Dicuntur jura omnia ad fiscum spectantia*, saith Spelman. The Royal Rights of a King, the Civilians reckon to be fix, 1. Power of Judicature. 2. Power of Life and Death. 3. Power of War and Peace. 4. Masterless Goods, as Waives, Estrayes, &c. 5. Assessments. And 6. Minting of Money. See *Royalties*. Also the Crown, Scepter with the Cross, Scepter with the Dove, St. Edward's Staff, four several Swords, the Globe, the Orb with the Cross, and other such like things used at the Coronation of our Kings, are called *Regalia*. See the relation of the Coronation of King Charles the Second in Baker's Chronicle.

Regale Episcoporum, The Temporal Rights and Legal Privileges of a Bishop.—*Mandatum est Roberto de Burgate quod faciat habere Episcopo Norwicensi totum Regale quod ad Episcopatum suum pertinet.* Claus. 9. Job. Brady's Append. to Hist. of England, p. 108.

Regalis Justitia.—*Item præfati Barones (scil. quinq; Portuum) habere debent ut asserunt per chartam suam Regalem Justiciam in villa Gernemuth, tempore feriæ unâ cum Ballivo seu Præposito villæ prædictæ, viz. cognitionem Assisæ panis ulnarum, pondonium, & aliarum mensurarum, & similiter boyde brand & Dene secundum consuetudines suas usitatas, &c.* Rot. Parl. 8 E. 2. num. 262.

Regardant, As Villain regardant was called *Regardant* of the Mannor, because he had the Charge to do all base Services within the same, and to see the same freed of all things that might annoy it, Co. on Lit. fol. 120. This word is only applied to a Villain or Neif, yet in old Books it was sometimes attributed to Services, *ibid.*

Regard, *Regardum* & *Rewardum*, Is borrowed of the French *Regarder*, i. *Aspectus, respectus*; and tho' it hath a general signification of any care or diligent respect, yet it hath also a special acceptation, wherein tis only used in matters of the Forest; and there are two ways, one for the Office of *Regarder*, the other for the compass of the ground belonging to that Office, *Crompt. Jur. fol. 175, 199.* Touching the former, thus saith Mamwood in his *Forest Laws*, part 1. pag. 194. & 198. The Eyre, General Sessions of the Forest, or Justice Seat, is to be kept every third year; and of necessity before any such Sessions or Justice-Seat can be holden, the *Regarders* of the Forest must make their regard, and this making of the regard must be done by the King's Writ, and the *Regarder* is to go through the whole Fo-

reil, to see and inquire of the Trespasses therein, viz. ad arandum, ad inquirendam, ad imbrevidandam & ad certificandam. Touching the second signification, the compass of the Regarders Charge is the whole Forest, that is, all the ground which is parcel of the Forest; for there may be Woods within the limits of the Forest, that be no parcel thereof, and these be without the regard, *Manwood*, part 2. cap. 7. num. 4. Anno 20 Car. 2. cap. 3.

Regarder, Regardator, Cometh of the French *Regardeur*, i. *speltator*, and signifies an Officer of the Forest, *Crompt. Jurisd.* 153. where it is thus defined. A *Regarder* is an Officer of the Forest, appointed to supervise all other Officers, and was ordained in the beginning of King Henry the Second's days. *Manwood* thus describes him, A *Regarder* is an Officer of the King's Forest, that is sworn to make the regard of the Forest, as the same hath been used to be made heretofore: And also to view and enquire of all Offences or Defaults of the Foresters, and of all other Officers of the King's Forest concerning the execution of their Offices. This Officer may be made either by the King's Letters Patents, or by any one of the King's Justices of the Forest, at his discretion, in the General Eyre, or at such time as the regard is to be made, by virtue of the King's Writ directed to the Sheriff of the County for that purpose. More particulars of the *Regarders* Office, how he is chosen, and the form of his Oath, see in *Manwood*, pag. 188, 192, 194, 207. In a Charter of Henry the Third, To the Masters, Canons, Brethren, &c. of the Order of the House of *Sempingham*, made in the Eleventh year of his Reign, 'tis said, *Et sint quieti tam ipsi quam homines eorum de misericordia foreste & de escapis, & de Rewardo & vasso ubiq; in Marisco de Retthoven.* &c.

Royal Assent, Is a Writ whereby the King gives his Royal Assent to the Election of a Bishop or Abbot, *Reg. Orig.* fol. 294.

Registry, Registrum, Is properly derived from an old French word *Gister*, i. in loco reponere, suo loco constituere. So that *registrum* is properly the same with *repositorium*, a place where any thing is laid up; and from hence Publick Books, in which various things are inserted, are properly termed *Registers*; and accordingly the Office, Books and Rolls, wherein the proceedings of the Chancery, or any spiritual Court are recorded: The Writer and Keeper of which is called *The Register*, in Latin *registrarius*.

Register, Is also the name of a Book, wherein are mentioned most of the forms of the Writs used at Common Law, of which *Spelman* writes thus, *Codex dicitur quo brevia Regia tam originalia quam judicialia formularum muneri inscribuntur; In hoc enim si non extiterit brevis alicujus formula, vel si ab eo variatum fuerit breve illud cassum habetur: Nec de novo condi potest breve aliquod hujusmodi non publico Parlamento decreto, Hujus Codicis meminit, Westminster. 2. cap. 25. And Co. on Lit. fol. 159. affirms, That this Register is one of the most ancient Books of the Common Law. See Mr. *Nicholson's* very useful English Library, P. 3. p. 82.*

Register of the Parish Church, Registrum Ecclesie Parochialis, Is that Book, wherein Baptisms, Marriages, and Burials, are in each Parish every year registered; which was laudably instituted by the Lord *Cromwell*, in the month of September, 1538. being the Thirtieth year of Henry the Eighth, while he was his Vicar-General.

Regius Professor, Anno 12 Car. 2. cap. 17. Henry the Eighth founded five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law and Physick; The Readers of which Lectures are called in the University Statutes, *Regii Professores*.

Regrator, Regratarius, May be deduced from the French *Regrateur*, and signifies him that buys Wares or Victuals, on purpose to enhance the prices; formerly such as bought by great, and sold by retail, came under that notion, 27 E. 3. Stat. 1. cap. 3. But now that Name denotes him that buys and sells any Wares or Victuals in the same Market or Fair, or within five Miles thereof, whereof see the Stat. 5 E. 6. cap. 14. 5 Eliz. 12. and 13 Eliz. 25. In the Civil Law such is called *Dardanarius*, a *Dardano quodam hujus sceleris authore*, saith *Spelman*. Heretofore both the *Ingrosser* and *Regrator* were comprehended under the word *Forestaler*, 3 Inst. 195. and as such shall be punished. See *Forestallers* and *Ingrossers*.

Regulars, Regulares, Are such as profess to live under some certain rule; such as *Monks*, or *Canon Regulars*, who ought always to be under some rule of Obedience.

Regrateria, Regraterie, or selling out by Retail. — *Johannes Rex statuit anno 1199. quod nullum vinum ematur ad regratarium de vinis que applicuerint in Anglia.* *Annal. Burton.* sub anno 1199.

Regula, The word is often used for the Book of Rules or Orders, or Statutes, in a Religious Convent. Sometimes for the Martyrology, or Obi-
tuary.

Rehabere facias scissinam quando Vicecomes liberavit scissinam de majore parte quam deberet, Is a Writ Judicial; *Reg. Judic.* fol. 13, 51. There is another Writ of this name and nature, fol. 54.

Rehabilitation, Rehabilitatio, Anno 25 H. 8. cap. 21. Is one of those Exactions mentioned in that Statute, to be claimed by the Pope heretofore in England, and seems to signify a Bull or Breve, for reinabling a spiritual Person to exercise his Function, who was formerly disabled, or a restoring to a former ability.

Reia, French Raye, i. radius, linea, tractus. In English a *Ret* or *Rat*, *Prior Lewens*, pag. 21. *Omnis Lanceta, omnis Toftman, & omnis Molman (qui non sedet super Ogeland) debent spargere unam reiam de fiens, &c.* that is, saith *Spelman* in his Glossary, *unum strigam, tractum vel versum stercoreis*, Anglice a *ret* of muck or dung, *ad stercoreandum terras Domini*.

Rejoinder, Rejunctio, Signifies an Answer or exception to a Replication; For first the Defendant puts in an Answer to the Plaintiffs Bill, which is sometimes called An *Exception*. The Plaintiffs Answer to that is called a *Replication*, and the Defendants to that a *Rejoinder*, especially in Chancery, *West Symbol.* part 2. tit. *Chancery*, sect. 56. The Civilians call it *Duplicatio*, of which *Spigelius* hath these words, *Est autem rejunctio seu Duplicatio vel allegatio, qua datur reo ad infirmam replicationem actoris & consummandam exceptionem rei*.

Reipnus, Precium vidue emptæ Matrimonii causa. A quo fortè (saith *Spelman*) lex nostra antiqua de maritagiis viduarum, sumpsit initium formæ licet diversæ. And it may seem to be derived from the Saxon *pippan* vel *pypan*, i. *metere, rapere, colligere, quasi id quod capitur vel colligitur ob maritandum viduas*.

Reis, According to *Skene, Leg. Alexandri R. C. 2. paragr. 3.* signifies Robbery, and may be derived from the Saxon *Reaf. rapina*, *Reafian*, *spoliare*, as both from the Latin *rapere*.

Reiens per discent, Is a form of Pleading, when an Heir is sued for a Debt of his Ancestor, and he hath not *Affers* in his Hand, nor any Lands liable to be extended.

Rekpenis, Confit. Rob. Dunelm. Episc. Anno 1276. cap. 3. Porro hinc Sanctioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter familia vivant, ad denarios qui vocantur *Rekpenis* minime

me arceantur, cum si communiter intrinsecis aluntur à parentibus, sic in extrinsecis ab eisdem latentur pariter se defendi.

Relation, Relatio, idem quod fiffio Juris, To make a nullity of a thing from the beginning (for a certain intent) which had essence, *Co. lib. 3. fol. 28. Butler and Baker's Case:* But more plainly thus, *Relation* is, where, in consideration of Law two times, or other things are considered, so as if they were all one, and by this the thing subsequent is said to take his effect by relation at the time preceding. As if A. deliver a writing to B. to be deliver'd to C. as the Deed of A. when C. hath paid a Sum of Money. Now when the Money is paid, and the Writing delivered, this shall be taken as the Deed of A. at the time when it was first delivered. So Bills of Parliament, to which the King assents on the last day of Parliament, shall relate and be of force from the first day of the beginning of the Parliament, and so it is of divers other like things.

Relaxation, Release, or Discharge, and sometimes only mitigation.—*Relaxation* of an Attachment in the Court of Admiralty. *Stat. 22, 23. Car. 2.*

Release, Relaxatio, Is an Instrument whereby Estates, Rights, Tithes, Entries, Actions, and other things, be sometime extinguished, sometime transferred, sometime abridged, and sometime enlarged, *West Symbol. part 1. lib. 2. sect. 509.* and there is a release in Fact, and a release in Law, *Perkins Grants 71.* A release in Fact, is that which the very words expressly declare. A release in Law, is that which doth acquit by way of consequence or intendment of Law; an example whereof you have in *Perkins ubi supra.* How these are available, and how not, see *Littleton* at large, lib. 3. cap. 8. And of the divers sorts of Releases, see the *New Book of Entries, verb. Release.*

Relief, Relevamen, But in Doomsday, Relevatio; relevum, signifies a certain Sum of Money which the Tenant holding by Knights-service, Grand-fergeanty, or other Tenure, for which Homage or regal Service is due; or by Socage, for which no Homage is due, and being at full age at the death of his Ancestor, paid unto his Lord at his Entrance, *Mag. Chart. cap. 2. and 38 E. 1. stat. 1. Bracton, lib. 2. cap. 36.* affirms, That is called a relief, quia hereditas que jacens fuit per antecessoris decessum, relevatur in manus heredum, & propter factam relevationem, facienda erit ab heredem quadam Præstatio que dicitur relevum, and *Britton, cap. 69.* Of this also speaks the *Grand Customary of Normandy, cap. 34.* The Lord of the Fee ought to have relief of the Lands, which are held of him by Homage, when those die of whom he had Homage. *Hotoman* in his Commentaries, *De verbis Feudalibus, verb. Relevum,* defines it thus, Relevum, est honorarium, quod novus vassallus Patroni introitus causa largitur, quasi morte vassalli alterius vel alio quo casu feudum ceciderit, quod jam à novo sublevetur. What a legal and just relief was in the time of *Hen. 2.* appears partly from *Glanville, lib. 9. cap. 4.* Dicitur autem rationale relevum alienius juxta consuetudinem Regni, de feodi unius militis centum solidi. de Socagio vero quantum valet census illius socagii per unum annum; De Baronis vero nihil certum statutum est, quia juxta voluntatem & misericordiam Domini Regis solent Baronie capitales de Releviis suis Domino Regi satisfacere. But it was more certainly set out afterwards by *Magna Charta* in these words, Si quis Comitum vel Baronum nostrorum, sive aliorum tenentium, de nobis in Capite per servitium militare mortuus fuerit & cum decesserit heres ejus plena ætatis fuerit & Relevum nobis debeat. Habeat hereditatem suam per antiquum relevum, scil. Hæres vel heredes Comitum de integro Comitatu per centum libras; hæres vel heredes

Baronis de Baronis integra, per centum marcas, hæres vel heredes militis de feodo militis integro, per centum solidos ad plus; & qui minus habuerit, minus dei, secundum antiquam consuetudinem feodorum. See *Old Nat. Brev. fol. 94. Kitchin, fol. 145. cap. Relief, and Glanville, lib. 7. cap. 9.* See *Heriot. Shene de verbor. Signif. verb. Relevum, faith, Relief* is a French word, from the Latin *relevare*, which is to relieve, or take up that which is fallen; for it is given by the Tenant or Vassal that is of perfect age, after the expiring of the Wardship to his Superior Lord, of whom he held his Lands by Knights-service, that is, by Ward and Relief; For by payment thereof he relieves, and, as it were, raiseth up again his Lands after they were fallen down into his Superiors hands, by reason of Wardship, &c. See him at large. See *12 Car. 2. cap. 24.*

Relegation, Relegatio, A banishing, or sending away; as *Abjuration* is a forswearing of the Realm for ever, so *Relegation* is taken for a Banishment for a time only, *Co. on Lit. fol. 133.*

Religious men, Religiosi, Are such as enter into a Monastery or Convent, there to live devoutly. In ancient Deeds of Sale of Land, we often find the Vendee restrain'd from giving or alienating it *Viri religiosi vel Judæi*, to the end the Land might not fall into *Mortmaine*. See *Judaisme. Rex Vice-com. &c. Præcipimus tibi quod clamari facias sine dilatione per comitatum tuum quod nulli sicut diligunt corpora & catala sua, malum faciant vel dicant viris religiosis & clericis contra pacem nostram: Et si quem inde attingere possimus, ad proximum quercum eum jussendi faciamus T. meipso apud Marlebergh xi. Apr. Claus. 9. Joh. m. 3.*

Religious Houses, Religiosa Domus, Are Houses set apart for Pious Uses, such as are Monasteries, Churches, Hospitals, and all other places where Charity is extended to the relief of the Poor and Orphans, or for the use or exercise of Religion. See *Notitia Monastica*, or a short History of the Religious Houses in England and Wales. By *Thomas Tanner, B.* who in an Alphabetical order of Counties, has accurately given a full account of the Founders, the time of Foundation, the Tutelar Saints, the Order, the value at Dissolution, with reference to printed Authors, and Manuscripts that preserve any Memoirs relating to each House; with a Learn'd and Judicious Preface of the Institution of Religious Orders, &c.

Reliques, Reliquæ, Are some remainders of Saints that are dead, preserved by some living with great veneration, as sacred Memorials of them; forbidden to be used or brought into England by several of our later Statutes.

Remanentes, Remansi, These words are used in the Register of *Doomsday*, to signify pertaining or belonging. As *de hominibus qui huic manerio remansi sunt, i. e.* Of the Men or Tenants belonging to this Mannor.

Remainder, Remanentia, Is an Estate limited in Lands, Tenements or Rents, to be enjoyed after the expiration of another particular Estate. For example, A Man may let to one for term of his Life, and the remainder to another for term of his Life, *Lit. cap. Attornment, fol. 133.* And this remainder may be either for a certain term, or in Fee-simple, or Fee-tail, as appears by *Broke, tit. Donee & remainder, fol. 245. and Glanville, lib. 7. cap. 1.* where, towards the end, he hath these words, Notandum quod nec ejus corpus nec Abbas, quia eorum Baronie sunt de Eleemosyna Domini Regis & Antecessorum ejus, non possunt de Dominicis suis aliquam partem dare ad remanentiam sine assensu & confirmatione Domini Regis, where it appears, That Dare ad remanentiam is to give away for ever, and again, cap. 9. In like sort doth *Bracton* use

use it, lib. 2. cap. 23. and lib. 4. tract. 2. cap. 4. num. 4. and the New Book of Entries, verb. Remainder. The difference between a Remainder and Reversion, according to Spelman, is this, That by a Reversion, after the appointed term, the Estate returns to the Donor, or his Heirs, as the proper Fountain; whereas by Remainder it goes to some third, or a stranger.

Remembrancer of the Exchequer, Rememorator *Scaccarii*. Are three Officers or Clerks there, one called *The King's Remembrancer*, 25 Eliz. cap. 5. The second, *The Lord Treasurer's Remembrancer*, upon whole Charge it lies, to put the Lord Treasurer and the rest of the Judges of that Court in remembrance of such things as are to be called on, and dealt in, for the King's behoof. The third is called *The Remembrancer of the First-fruits*, 5 R. 2. stat. 1. cap. 14. 15. These in 37 E. 3. cap. 4. be called *Clerks of the Remembrance*. *The King's Remembrancer* enters in his Office all Recognissances taken before the Barons for any the King's Debts, for Appearances, or for observing of Orders: He takes all Bonds for the King's Debts, or for Appearance, or for observing Orders, and maketh out Process for the breach of them. He writes Process against the Collectors of Customs, Subsidies, and Fifteenths, for their Accounts: All Informations upon penal Statutes are entered in his Office, and there all matters upon English Bills in the Exchequer-Chamber remain: He makes the Bills of Compositions upon penal Laws, takes the stalment of Debts, has delivered into his Office all manner of Indentures, Fines, and other Evidences whatsoever, that concern the assuring of any Lands to the Crown: He every year, in *Craftino animarum*, reads in open Court the Statute for election of Sheriffs, and gives them their Oath; and he reads in open Court the Oath of all the Officers of the same when they are admitted, besides many other things. *The Lord Treasurer's Remembrancer* makes Process against all Sheriffs, Escheators, Receivers and Bailiffs, for their Account. He makes Process of *Fieri facias* and *Extent* for any Debts due to the King either in the Pipe, or with the Auditors, makes Process for all such Revenue as is due to the King, by reason of his Tenures: He makes Record, whereby it appears, whether Sheriffs or other Accountants pay their *Proffers* due at *Easter* and *Michaelmas*. He makes another Record, whether Sheriffs and other Accountants keep their days of Prefixion. All Estrats of Fines, Issues and Amerciaments, set in any Courts at *Westminster*, or at the Assises or Sessions, are certified into this Office, and are by him delivered to the Clerk of the Estrats, to write Process upon them, &c. See the *Repertory of Records*, fol. 121. *The Remembrancer of the First Fruits* takes all Compositions and Bonds for First Fruits and Tenth, and makes Process against such as do not pay the same.

Remitter, Remittere, To restore; in a legal sense intends a Restitution of one that hath two Titles to Lands or Tenements, and is seized of them by his latter Title, which proving defective, he is restored to the former and more ancient Title, *F. N. B. fol. 149. Dyer, fol. 68. num. 22.* In what case this may be granted, see *Bro. tit. Remitter*, and in *Dollor and Student*, cap. 9. fol. 19. 'tis said, That if Land descend to him that hath right to that Land before, he shall be remitted to his better Title if he will. See *Termes de la Ley* on this word, and the *New Book of Entries*, and *Co. on Lit. lib. 2. cap. 12.*

Renant, Anno 32 H. 8. cap. 2. But it may be supposed a mistake for *Reniant*, i. *Negans*, a Participle of the French Verb *Renier*, *negare*.

Render, Cometh of the French *Rendre*, i. *reddere*,

retribuere, and signifies with us the same thing. For example, This word is used in levying of a *Fine*, which is either *single*, whereby nothing is granted or rendered back again by the Cognisee to the Cognisor; or *double*, which containeth a Grant or Render back again of some Rent, Common, or other thing, out of the Land it self to the Cognisor, &c. *West Symbol. part 2. tit. Fines*, sect. 21 and 30. Also there be some things in a Mannor that lie in *Prender*, that is, which may be taken by the Lord or his Officer, when they chance, without any offer made by the Tenant, as Escheats, and the like; and some that lie in *Render*, that is, must be delivered or answered by the Tenants, as Rents, Reliefs, Heriots, and other Services, *ibid. sect. 126.* Also some Service consists in Seifance, some in *Render*, *Perkins's Reservations* 696.

Renegeld, Per *Renegeld* Johannes Stanley Arm. Clamat habere de qualibet bovata terra infra feodum de Aldford 1 d. exceptis Dominicis terra, & tervis in feodo predicto infra Hundred de Macchelefeld, Rot. Flac. in Itin. apud Cestr. 14 H. 7.

Renovant, From *Renovo*, To renew: The Parson sued one for Tithes, to be paid of things *renovant*, but this Horse being only for labour and travel would not *renew*, &c. *Cro. 2. par. fol. 430.*

Rent, Reditus, Signifies with us a sum of Money, or other consideration issuing yearly out of Lands or Tenements, *Plowden, fol. 132, 138, 141. Browning's Case*; of which there are three sorts, viz. *Rent-service*, *Rent-charge*, and *Rent-seck*. *Rent-service* is, where a Man holds his Lands of his Lord by Fealty and certain Rent, or by Fealty Service, and certain Rent, *Lit. lib. 2. cap. 12.* or that which a Man making a Lease to another for term of years, reserveth yearly to be paid him for them. In the *Terms of the Law*, this reason is given for it, because it is at his pleasure either to Distrain, or bring an Action of Debt. *Rent-charge* is, where a Man makes over his Estate to another, by Deed indented, either in Fee, or Fee-tail, or for term of Life, yet reserves to himself, by the same Indenture, a sum of Money yearly to be paid to him, with clause of Distress for non-payment. See *Littleton ubi supra. Rent-seck*, otherwise a dry Rent, is that, which a Man making over his Estate by Deed indented, reserveth yearly to be paid him without Clause of Distress mentioned in the Indenture, *Lit. ibid.* See the difference between a *Rent* and an Annuity in *Dollor and Student*, pag. 30. *Dial. primo.*

Rents of Assise, Reditus assise, de assisa, vel redditus assisus. The certain and determin'd Rents of ancient Tenants paid in a set quantity of Money or Provisions; so call'd because it was assis'd or made certain, and so distinguish'd from *redditus mobilis*, variable Rent that did rise and fall, like the Corn Rent now reserv'd to Colleges.

Rents resolute, Reditus resoluti, Are accounted among the *Fee-farm Rents*, to be sold by the Statutes of 22 Car. 2. cap. 6. And are such Rents or Tenth as were anciently payable to the Crown, from the Lands of Abbies and Religious Houses; and after their dissolution, notwithstanding the Lands were demised to others, yet the Rents were still reserved, and made payable again to the Crown.

Renetz, A *Renegado*, Is derived from the French *Renier*, *renegare*, and is a Title given to such who Apostatize from Christianity to *Mahumatisme*. *Havendon in Rich. 1. sub Anno 1192. Cepit* (saith he) *in equitatione illa 24. Paganos & unum Reneez qui quondam*

quondam Christianus fuerat & Dominum nostrum Jesum Christum negaverat; & Rex posuit eum ad sagittandum & sagittatus est.

Renusiator; Et sunt Communes Latrones & Renusiatores hominum, &c. Trin. 28 E. 3. Ebor. 37. 9.

Reparatione facienda. Is a Writ which lies in divers Cases, whereof one is, where Three be Tenants in Common, or Joynt-tenants, or pro indiviso of a Mill or House which is fallen into decay, and the one being willing to repair it, the other Two will not: In this Case the party willing shall have this Writ against the other Two, F. N. B. fol. 127. Of the various uses of it, read Reg. Orig. fol. 153.

Repastum. A Repast or Meal, *unum repastum*, one Meals meat given to servile Tenants, when they labour'd for their Lord. — Tenet in bondagio, & debet unam weekbedrip pro voluntate Domini & habebit unum repastum. Paroch. Antiq. p. 401

Repeal. Cometh from the French *Rappell*, *revocatio*, and hath the same signification among us; as the repeal of a Statute is the revoking it, *Rassall*, tit. *Repeal*. Broke useth *repellance* in the same sense.

Repleader. (*Replacitare*) Is to plead against that which was once pleaded before, *Rassall* tit. *Repleader*, and *New Book of Entries*, *Eodem* tit.

Replegiare. Is properly to redeem a thing detained or taken by another, by putting in legal Sureties. See *Replevin* and *Second Deliverance*.

Replegiare de averiis. Is a Writ brought by one whose Cattel are distrained, or put in the Pound, upon any cause by another, upon Surety given to the Sheriff to prosecute or answer the Action in Law, Anno 7 H. 8. cap. 4. F. N. B. fol. 68. See the *Register Orig.* divers sorts of this Writ in the Table, and also in the *Register Judicial*, fol. 58, 70. The *New Book of Entries*, verb. *Replevin*, and *Dyer*, fol. 173. num. 14.

Replevin, Plevina. Is a derivation of *replegiare*, to deliver to the Owner upon Pledges, and is the bringing of the Writ called *Replegiare facias* by him that has his Cattel, or other Goods distrained, by another, for any cause, and putting in Surety to the Sheriff, that upon delivery of the thing distrained, he will prosecute the Action against the Distrainer, *Co. on Lit. lib. 2. cap. 12. sect. 219*. Goods may be replevied two manner of ways, viz. by Writ, and that is by the Common Law, or by Plaint, and that is by Statute Law, for the more speedy having again of their Cattel and Goods. *Replevin* is also used for the Bailing of a Man, *Stamf. pl. cor. fol. 72, 74.* and *Westm. 1. cap. 11. & 15*. *Replegiare est reposcere bona mobilia dato apud Praefectum Vade sive fide-jussore; sane & Anglis breve per quod bona ea repocerent, to Replevin, &c. Vossius de Vitiis sermonis, lib. 2. cap. 25. See Skene eod. verbo.*

Replevish, Replegiare. Is to let one to Mainprise upon Surety, Anno 3 E. 1. cap. 11.

Replication, Replicatio. Is an Exception of the second degree, made by the Plaintiff upon the first Answer of the Defendant, *West Symbol* part 2. tit. *Chancery*, sect. 55. and *Westm. 2. cap. 36*. It is also that which the Plaintiff replies to the Defendants Answer in Chancery; and this is either *General* or *Special*. *Special*, is grounded upon matter arising out of the Defendants Answer, &c. *General*, is so called from the general words therein used.

Report. *Reportus*, Is a publick relation of Cases Judicially argued, debated, resolved, or adjudged in any of the King's Courts of Justice, with the Causes and Reasons of the same delivered by the Judges, *Co. on Lit. fol. 293*. Also when the Chancery, or other Court, refer the stating of some Case, or comparing

an Account, &c. to a Master of Chancery, or other Referee, his Certificate therein is called a *Report*.

Repositio. *Repositio Forestae.* Was an Act whereby certain Forest Grounds being made *Parliu* upon view, were by a second view laid to the Forest again, *Manwood*, part 1. pag. 178.

Reprisella, Reprisalia. May be deduced from the French *Reprise*, i. *resumptio*, and are all one both in the Common and Civil Law, *Reprisalia est potestas pignoriandi contra quemlibet de terra debitoris data creditori pro iniuriis & damnis acceptis, Vocabular. utriusq. juris*. This among the ancient Romans was called *Clavigatio*, of the Verb *Clavigo*, i. *res clare repetere*. It is named in the Stat. 27 E. 3. Stat. 2. cap. 17. *Law of Marque*, because one for defect of Justice in another Territory, redresseth himself by the Goods belonging to Men of that Territory, taken within his own Bounds.

Reprises. Is commonly taken for Deductions and Duties which are yearly paid out of a Mannor and Lands, as *Rent-charge*, *Rent-sock*, *Pensions*, *Corrades*, *Annuities*, *Fees of Stewards or Bailiffs*, &c. Wherefore when we speak of the clear yearly value of a Mannor, we say it is so much *per annum ultra reprises*, besides all *reprises*.

Reprise. May be derived from the French *Repris*, that is, taken back: So that to *reprise*, is properly to take back, or suspend, a Prisoner from the Execution and Proceeding of the Law for that time.

Repsilver. *Tempore quo villa S. Edmundi nomen & libertatem Burgi accepit, solvebant Homines de singulis domibus dare Cellerario unum denarium in principio Augusti ad metendum segetes nostras, qui census dicebatur.*

Repsilver. — *Ex Cartular. S. Edmundi MS. peres Joh. Episc. Norwic. f. 316*. From whence, and other Records, it is evident, That the servile Tenants were bound to reap for their Lord; and to be excus'd from the Labour, they paid some acknowledgment in Money, as a compensation for discharge of the Work, and as a mark of their former Tenure and Dependence. Which Money was call'd *Repsilver*, because paid for exemption from the customary Duty of Reaping for the Lord.

Requisit. *Curia requisitionum*, see in Court. It is utterly taken away by Act of Parliament; But you may read of it in *Gwin's Preface to his Readings*, and elsewhere.

Rescite, Receptio. Is an admission, or receiving a third Person to plead his right in a Cause formerly commenced between other Two, *New Book of Entries*, verb. *Rescite*, as if Tenant for Life or Years brings an Action, he in the Reversion comes in, and prays to be received to defend the Land, and to plead with the Demandant. See *Bro. tit. Rescite*, fol. 205. and *Perkin's Dower*, 448. The Civilians call this *Admissionem tertii pro suo interesse*. *Rescite* is also applied to an admittance of Plea, though the Controversie be only between Two. See *Broke*, tit. *Esloppell*, and *Co. on Lit. fol. 192*.

Rescite of Homage, Receptio Homagii. Is the Lords receiving Homage of his Tenant at his admission to the Land, *Kitchin*, fol. 148. See *Homage*.

Rescous, Rescussus. Comes from the French *Rescousse*, i. *Liberatio*, is a resistance against lawful Authority; as if a Bailiff, or other Officer, upon a Writ do arrest a Man, and others by Violence take him away, or procure his Escape; this is a *Rescous* in *fact*. So if one distrain Beasts for Damage-feasant in his Ground, as he drives them in the High-way towards the Pound, they enter into the Owner's House, and he with-holds them there, and will not deliver them upon demand, this detainer is a *Rescous* in Law, *Co. on Lit. lib. 2. cap. 12*. *Cassanani* in his Book

Book De Conſuetud. Burg. fol. 294. hath the ſame word coupled with *reſiſtentia*: It is alſo uſed for a Writ which lies for this Faſt called *Breve de Reſcuſſu*, whereof you may ſee both the form and uſe in *F.N.B.* fol. 101. *Reg. of Writs*, fol. 125. and *New Book of Entries*, verb. *Reſcuſſu*. This in matters relating to Treason, is Treason; and in matters concerning Felony, is Felony, *Crompt. Juſt.* fol. 54.

Reſcuſſor, Is he that commits ſuch a *Reſcuſſu*, *Cro. Rep.* 2. par. fol. 419.

Reſetter, *Reſeſſire*, Is a taking again of Lands into the hands of the King, whereof a general Livery, or *Ouſter le maine*, was formerly miſ-ſued, contrary to the form and order of Law, *Stamf. Prærog.* 26. See *Reſumption*.

Reſervation, *Reſervatio*, A keeping or providing, as when a Man lets his Land, he *reſerves* a Rent to be paid to himſelf for his Maintenance. Sometimes it ſignifies as much as an Exception; as when a Man lets a Houſe, and *reſerves* to himſelf one Room, that Room is excepted out of the Demife. See *Perkin's Reſervations per totum*, and *Termes de la Ley* codem verbo.

Reſet, *Skene* hath that in, and *Reſetter* in another place; in both which he expounds it to ſignifie the receiving or receiver of a Proſcribed or Outlawed Perſon, and may be derived from our Engliſh word *Reſcit*.

Reſeant, *Reſeantia*, Seemeth to come from the French *Reſſeant* or *Reſeant*, *Reſident*, and ſignifies a Man's abode or continuance in a place, *Old Nat. Brev.* fol. 85. Whence alſo comes the Participle *reſeant*, that is, continually dwelling or abiding in a place, *Kitchin*, fol. 33. It is all one in Deed with *reſidence*, but that cuſtom ties this only to Perſons Eccleſiaſtical. *Veteri autem jure noſtro* (ſaith *Spelman*) *etiam & Scoticis aliud ſignificat, utpote morbum validum ſeu veteranum, quo quis exire de ſuis adibus prohibetur*: *Eſſonium* igitur quod de malo leſti nuncupatur, hoc eſt excuſatio quod ratione infirmitatis ſiſtere ſe in foro non valeat, *eſſonium* nuncupant de *reſeantia*, *Glanville*, lib. 1. cap. 11. *Quandoq; intervenit (eſſonium) ex infirmitate de reſeantia*. *Ubi in margine notatur*, *eſſonium de reſeantia idem valet quod eſſonium de malo leſti*. And all theſe ſeem to be drawn from the French, who ſay, *Exoine de mal reſſeant*. See *Skene de verb. Signif. verb. Reſeantia*.

Reſident, *Reſidentia*, Is derived from the Latin word *reſidere*, and is peculiarly uſed both in the Common and Canon Law, for the continuance or abode of a Parſon or Vicar upon his Benefice. The default whereof (except the Party be qualified and diſpenſed with) is the loſs of ten pounds every month, *Anno 28 H. 8. cap. 13*.

Reſignation, *Reſignatio*, Is uſed particularly for the giving up of a Benefice into the hands of the Ordinary, otherwiſe by the *Canonists* termed *Renunciatio*. And though it ſignifie all one in nature with the word *Surrender*, yet it is by cuſtom reſtrained to the yielding up a Spiritual Living, and *Surrender* to the giving up of Temporal Lands into the hands of the Lord. And a *reſignation* may now be made into the hands of the King, as well as of the Dioceſan, becauſe he hath *Supremam Authoritatem Eccleſiaſticam*, as the Pope had here in times paſt, *Plowden*, fol. 498. *Grandin's Caſe*.

Reſort or *Reſort*, Is a word properly uſed in a Writ of *Tail* or *Coſenage*, as *deſcent* is in a Writ of *Right*. In French it ſignifies the Authority or Jurisdiction of a Court; *Salvo tamen tam reſſorto quam aliis jure noſtro & etiam jure alieno*. *Lit. Pat. Philippi le Hardy Reg. Francie*, mentioned by *Spelman* in his Gloſſary. *Dernier reſort*, laſt refuge.

Reſpectu computi Alce-comitis habendo, Is a Writ for the reſpiting of a Sheriff's Account, upon juſt occaſion directed to the Treasuſer and Barons of the Exchequer, *Regiſter*, fol. 139. & 179.

Reſpite, *Reſpectus*, Is uſed for delay, forbearance or continuance of time, *Glanville*, lib. 12. cap. 9. in *breve Regis*. *Præcipio tibi quod pon facias in reſpectum, uſq; ad aliquem terminum competentem*.

Reſpite of Homage, *Reſpectus Homagii*, Is the forbearing of Homage which ought firſt of all to be performed by the Tenant that holdeth by Homage; and it had the moſt frequent uſe in ſuch as held by Knights-service in *Capite*, who did pay into the Exchequer every fifth Term ſome ſmall ſum of Money, to be reſpited the doing of their Homage. See the *Stat. 12 Car. 2. cap. 24*. whereby this is taken away as a charge incident or ariſing from Knight-service, &c.

Reſpondeat ſuperior, Where the Sheriffs are removeable for inſufficiency, (as in London) *reſpondeat ſuperior*, that is, the Mayor and Commonalty of London, *Per inſufficiency del Bayliſſ d'un liberty*, *reſpondeat Dominus libertatis*, 44 E. 3. 13, 14. *Inſt.* fol. 114.

Reſponſalis, *Qui reſponſum deſert*; He who gives an Answer, is he that appears for another in Court at a day aſſigned, concerning whom hear *Glanville*, lib. 12. cap. 1. — *Placita in ſuperioribus expoſita* — *Proſequi quos poteſt ſicut & alia quolibet placita civilia, tam per ſeipſum quam reſponſalem ſuo loco poſitum*, &c. But *Fleta* makes a difference between *attornatum*, *eſſoniatorem* & *reſponſalem*, lib. 6. cap. 11. ſect. *Officium*. As if *eſſoniator* came only to declare the Cauſe of the Parties abſence, whether Demandant or Tenant; And *Reſponſalis* came for the Tenant, not only to excuſe his abſence, but alſo ſignifie what Trial he meant to undergo, *viz.* the Combat or the Country. A Man in ancient time could not appoint an Attorney for him, without warrant from the Court, *Fleta*, lib. 6. cap. 13. See *Attorney*. This word is uſed in the Canon Law, *Et ſignificat Procuratorem vel eum qui abſentem excuſat*.

Reſponſions, *Reſponſiones*, Seems to be a word chiefly uſed by the *Knights of St. John of Jeruſalem*, for certain Accounts made to them by ſuch as held their Lands or Stocks, *Anno 32 H. 8. cap. 24*.

Reſtitution, *Reſtitutio*, Is the yielding up again, or reſtoring of any thing unlawfully taken from another. But it is moſt frequently uſed in the Common Law for the ſetting him in poſſeſſion of Lands or Tenements that hath been unlawfully diſſeized of them; which when it is to be done, and when not. See *Crompton's Juſtice of Peace*, fol. 144. *uſq; ad 149*.

Reſtitutione extracti ab Eccleſia, Is a Writ to reſtore a Man to the Church, which he had recovered for his Sanctuary, being ſuſpected of Felony, *Reg. Orig.* fol. 69.

Reſtitutione temporalium, Is a Writ that lies where a Man being elected and confirmed Biſhop of any Dioceſs, and hath the King's Royal aſſent thereto for the recovery of the *Temporalities*, or Barony of the ſaid Biſhoprick: And it is directed from the King to the Eſcheator of the County, the form whereof may be read in *Reg. Orig.* fol. 294. and *F. N. B.* fol. 169.

Reſummons, *Reſummonitio*, Is a Decompoſund of *Re*, *ſub* and *munco*, and ſignifies a ſecond *Summons*, and calling of a Man to Answer an Action, where the firſt *Summons* is defeated upon any occaſion, as the death of the Party, or ſuch like. See *Bra. tit. Reſummons*, fol. 214. Of theſe there are four ſorts, according to four divers Caſes in the Table of the *Regiſter Judicial*, fol. 1. and *New Book of Entries*, verb. *Reattachment* and *Reſummons*.

Reſumption, *Reſumptio*, Is a word uſed in the Statute

tate of 31 H. 6. cap. 7. particularly to signify the taking again into the King's hands such Lands or Tenements as before, upon false suggestion, or other error, he had delivered to the Heir, or granted by Letters Patents to any Man; Bro. tit. *Repellance & Resumption*, fol. 298. and 19 H. 7. cap. 10. See *Re-seiser*.

Retare, Arretare, Reſtare, ad reſtum vocare. To ſue, implead, or proſecute.—*Idem* Brianus quodam retavit de foreſta Domini Regis—in eadem curia judicium ſuum de furto de quo primum retatus fuerit recepturus fuit. Chartular. Radinges. MS. f. 176. a.

Retario, The retting or riſting of Flax or Hemp, i. e. expoſing it to the Sun, or ſteeping it in the Water, till it is ripened and made fit to ruin. *Inter antiquas conſuetudines Abbacie S. Edmundi*—Item Cellarius ſolet accipere theſoloneum de lino tempore retationis, ſcil. unam retam de qualibet cerua vel romula. Cartular. S. Edmundi. MS. f. 314.

Retail, That is, to buy by great, and ſell by parcels, Anno 3 & 4 E. 6. cap. 21. Qui rem integram ementes per miniores eam partes diſtribuebunt.

*Retener, From the Latin retinere, ſignifies in a legal ſenſe a Servant, but not Manſal or Familiar, that is, not continually dwelling in the Houſe of his Maſter, but only wearing his Livery, and attending ſometimes upon ſpecial Occaſions. This Livery was wont to conſiſt of Hats, (or Hoods) Badges, or other Suits of one Garment by the year; and were many times given by Lords and Great Men, upon deſign of Maintenance and Quarrels, and therefore juſtly forbidden by ſeveral Statutes, as 1 R. 2. cap. 7. upon pain of Imprisonment, and grievous forſeiture to the King; And again, 16 R. 2. cap. 4. 20 R. 2. ca. 1. and 1 H. 4. ca. 7. by which the Offenders ſhould make ranſom at the King's will; and any Knight or Eſquire thereby duly attainted, ſhould loſe his ſaid Livery, and forfeit his Fee for ever, &c. Which Statute is further confirmed and explained by 2 H. 4. cap. 21. 7 H. 4. ca. 3. and 8 H. 6. ca. 4. And yet this Offence was ſo deeply rooted, that Edward the Fourth was neceſſitated to confirm the former Statutes, and further to extend their meaning, as appears by 8 E. 4. cap. 2. adding a ſpecial Penalty of five pounds upon every Man that gives ſuch Livery, and as much on every one ſo retained either by Writing, Oath or Promise, for every month. Theſe are by the Feudists called *Aſſidati, ſic enim dicuntur qui in alicujus fidem & tutelam recepti ſunt.* And as our Retainers are here forbidden, ſo are thoſe *Aſſidats* in other Countries. But moſt of the above-mentioned Statutes are repealed by 3 Car. 1. cap. 4.*

Retepenny, A Rate-penny, or cuſtomy Due of one penny for each Perſon to the Pariſh-Prieſt. In the Synodal Statutes of Robert Biſhop of Durham, Anno 1276. cap. 3. De rebus liberorum decimandis, & mortuariis inde ſolvendis.—Porro hoc Sanctiſſoni adjuicimus, quod ſi plures liberi proprium habentes, in parentum pariter familia vivunt, ad denarios qui vocantur Retepennis minime arceantur: cum ſicut communiter intrinſecus aluntur à parentibus, ſic in extrinſecis ab eiſdem lætentur pariter ſe defendi.

Retaining Fee, Merces retinens, Is the firſt Fee given to any Serjeant or Counſellor at Law, whereby to make him ſure that he ſhall not be on the contrary part, it is Honorarium ſeu primum cauſidici precedentium, quo clienti ſuo obligatur ne adverſarii cauſam agat.

Retenementum, Refrain, detainment, withholding. A full and abſolute conveyance was anciently made in this phraſe, Sine ullo retenemento.

Retinentia, Retinue, or Perſons retaining to a Prince or Nobleman.—Ad inquirendum de numero retinentia præſati Johannis ab ultimo adventu ſuo in

Hiberniam, & de continuatione ejuſdem retinentia. Pat. 14. Ric. 2. p. 2. m. 8.

*Retrait, Is ſo called, becauſe that word is the effectual word in the Entry, and is where the Plaintiff or Demandant comes in Perſon into the Court, and ſays, He will proceed no further. And this is a bar of all other Actions of like or inferior nature, Qui ſemel actionem renunciavit amplius repetere non poteſt, Co. on Lit. lib. 2. cap. 11. ſect. 288. The difference between a *Nonſuit* and a *Retrait*, is, that a *Retrait* is ever when the Demandant or Plaintiff is preſent in Court; but a *Nonſuit* is upon a demand made, when he ſhould appear, and he makes default. *Retrait* (as we ſaid) is a bar, ſo is not *Nonſuit*, for he may commence an Action of like nature again.*

Retractus aque, Ebb, or low Water, the retreat of Tide. The expreſſion occurs in Placit. coram Rege Paſch. 30 Ed. 1. apud Cantuar. Rot. 58.

Retropannagium, After-Pannage, or the running of Hogs in a Foreſt or Park, when the Acrons or Maſt is eaten, and little left, but Hips, Haws, &c. Et debent habere retropannagium à Feſſo S. Martini uſq; ad Feſtum purificat. Beate Mariæ. Petit. in Par. temp. Ed. 3.

*Return, Returna vel retorna, Cometh of the French Retour, i. reverſio, recurſus, and in our Law hath two particular Applications; the one is, the return of Writs by Sheriffs and Bailiffs, which is only a Certificate made to the Court of that which he hath done, touching the execution of their Writ directed to him. And this among the Civilians is termed *certificatorium*; of returns in this ſignification ſpeaks the Statute of Weſim. 2. cap. 39. So is the return of a Commiſſion a Certificate or Answer to the Court of that which is done by the Commiſſioners, Sheriff, Bailiff, or other, to whom ſuch Writs, Commiſſions, Precepts or Mandates are directed. Alſo certain days in every Term are called *return days*, or days in Bank; and ſo *Hilary Term* hath four Returns, viz. *Oſtavi Hillarii, Quindena Hillarii, Craſtino Purificationis & Oſtavi Purificationis.* Eaſter Term five, viz. *Quindena Paſche, Tres Paſche, Menſe Paſche, Qing, Paſche, and Craſtino aſcenſus Domini.* Trinity Term four, i. *Craſtino Trinitatis, Oſtavi Trinitatis, Quindena Trinitatis, Tres Trinitatis, and Michaelmas Term ſix, to wit, Tres Michaelis, menſe Michaelis, Craſtino animarum, Craſtino Martini, Oſtavi Martini, Quindena Martini.* See the Statutes of days in Bank, 51 H. 3. 32 H. 8. cap. 21. and 17 Car. 1. cap. 6. The other application of this word is in caſe of *Replevin*; for if a Man diſtrain Cattel for Rent, &c. and afterwards juſtifie or avow his Act, ſo as it is found lawful, the Cattel before delivered unto him that was diſtrained, upon ſecurity given to follow the Action, ſhall now be returned to him that diſtrained them. Bro. tit. Returns d'avers & hommes, fol. 218. and F. N. B. in his Table verb. Return.*

Returno habendo, Is a Writ that lies for him that has avowed a Diſtreſs made of Cattel, and proved his Diſtreſs to be lawfully taken, for returning to him the Cattel diſtrained, which before were replevied by the Party diſtrained, upon Surety given to proſecute the Action; or when the Plaint or Action is removed by Recordari, or Accedat ad Curiam, into the Court of Common-Pleas, and he whoſe Cattel were diſtrained makes default, and doth not proſecute his Suit.

Returum adreſſum, Is a Writ Judicial, granted to one impleaded for the taking the Cattel of another, and unjuſt detainment them contra vadum & Plegios, and appearing upon Summons, is diſmiſſed without day, becauſe the Plaintiff makes default; and it lies for the return of the Cattel to the Defendant, whereby he was ſummoned, or which were taken

taken for security of his Appearance upon the Summons, *Regist. Judicial*, fol. 4. a.

Recurnum treplegiabile, Is a Writ Judicial, sent out of the Common-Pleas to the Sheriff, for the final restitution or return of Cattel to the Owner, unjustly taken by another, as *Damage-feeiant*, and so found by the Jury before Justices of Assize in the County, or otherwise by default of Prosecution, *Reg. Judicial*, fol. 27.

Reche alias **Greve**, From the Saxon word *Grefa*, *professur*, Lambs Explication of Saxon words, verb. *Professur*, signifies with us the Bailiff of a Franchise or Mannor, especially in the Western parts of England: Hence *Shire-reve* for Sheriff. See *Kitchin*, fol. 43. See *Greve* and *Sheriff*, and *Vestegan*, cap. 10. See also *Church-reve*.

Rebells, Signifie with us Sports of Dancing, Masking, &c. used in Princes Courts, the Inns of Court, or other Noblemens Houses, which are commonly performed by Night; and there is an Officer to order and supervise them, who is intituled *Master of the Revels*.

Reveland, Doomsday Book, *Herefordse*: Terra Regis. *Hac terra fuit tempore Edwardi Regis Tainland, sed postea conversa est in Reveland. Et item dicunt Legati Regis, quod ipsa terra &c. census qui inde exit furtim auferatur à Rege.* The Land which is here said to have been *Thaneland*, T. E. R. and after converted into *Reveland*, seems to have been such Land as being reverted to the King after the death of his Thane, who had it for life, was not since granted out to any by the King, but rested in charge upon the account of the Reeve or Bailiff of the Mannor, who (as it seemeth) being in this Lordship of *Hereford* like the Reeve in *Chaucer*, a false Brother, concealed the Land from the Auditor, and kept the profit of it to himself, till the Surveyors, who are here called *Legati Regis*, discovered this falshood, and presented to the King, that *furtim auferatur Regi*. This passage from *Doomsday Book* is imperfectly quoted by *Sir Ed. Coke* in his Institutes, *lib. 1. 117.* who from these words draws a false inference, That Land holden by Knights-service was called *Thainland*, and Land holden by Socage was called *Reveland*. Vid. *Spelman* of Feuds, cap. 24.

Reveland. See *Teinland*.

Revenut, Is a French word, signifying as *Reditus*, and denotes properly the yearly Rent that accrues to every Man from his Lands and Possessions.

Reversion, *Reversio*, A returning again; It is *Nomen Verbale*, and derived of the Verb *Revertor*, &c. *apud dici non potest reversio antequam revertatur in falsio*; And therefore *Co. on Lit.* fol. 142. says, *Reversio terra est tanquam terra revertens in possessione Donatori si ve heredibus suis post donum finitum*. It hath a double acception in Law, the one is, *Jus revertendi cum status possessionis defecerit*, and this is but an interest in the Land when the Possession shall fall. 2. When the Possession and Estate which was parted with for a time, ceaseth, and is determined in the Persons of the Alienees, Assignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs or Assigns, whence it was derived. The difference between a *Reversion* and a *Remainder*, is, that a *Remainder* is general, and may be to any Man, but he that granteth or conveyeth the Land, &c. for term of Life only, or otherwise. A *Reversion* is to himself, from whom the Conveyance of the Land, &c. proceeded, and is commonly perpetual, as to his Heirs also, *Lit. lib. 2. cap. 12.* See *Co. lib. 2. fol. 51.* *Sir Hugh Cholmley's Case*; and yet a *Reversion* is sometimes confounded with a *Remainder*, *Co. lib. 2. fol. 57.* *Tooker's Case*, *Flowden*, fol. 170. *Hill's Case*. What this word *Reversion* in a Deed does carry, see *Littleton*, lib. 2. cap. 12.

Reugia, A Ridge, or Rudge of Arable Land. — *De dono Rogeri del Estre unum reugiam terra in Gernemath.* Mon. Angl. Tom. 1. p. 515.

Review, A Bill of Review in Chancery is, where a Cause hath been heard, and the Decree signed and enrolled; and some Error in Law appears upon the Decree, or new matter discovered in time after the Decree made, which Bill cannot be exhibited, but by License of the Court. See *Collection of the Chancery Orders*, pag. 69.

Revising, Is a word metaphorically applied to Rents and Actions, and signifies a renewing of them after they be extinguished. Of which see divers examples in *Broke*, tit. *Revivings of Rents, Actions, &c.* fol. 223.

Bill of Reviser, Is where a Bill hath been exhibited in Chancery against one, who Answers, and before the Cause is heard, or if heard, before the Decree enrolled, either Party dies: In this Case a Bill of *Reviser* must be brought, that the former proceedings may stand revived, and the Cause be finally determined.

Revocation, *Revocatio*, Is the calling back of a thing granted, of which you have divers in *Reg. Orig.* as *Revocationem brevis de audiendo &c. terminando*, fol. 124. *Revocationem presentationis*, fol. 304, 305. *Revocationem Protectionis*, fol. 23. *Revocationem specialium Jusficiariorum quia*, &c. fol. 205.

Reward. See *Regard*.

Reweg, Anno 43 Eliz. cap. 10. So as some Clothes being put in water are found to shrink, Rewey equally cockling, light and notable faulty, &c. it is as much as unevenly wrought, and full of *Rewes*.

Rhandir, Is a part in the division of the Country in *Wales* before the Conquest, as first a *Cantref* consisted of a hundred Towns, under which were so many *Commots*, each *Commot* had twelve *Mannors* or *Circuits*, and two *Townships*; there were four *Townships* to every *Mannor*, every *Township* comprehended four *Gavels*, every *Gavel* had four *Rhandirs*, and four *Tenements* were constituted under every *Rhandir*. This word *Rhandir* admits not of any proper signification in English, but is by *Dr. Davis* render'd *Parte aut fors hereditaria*, from the Verb, *Rhandu*, *Partire*, distribuire. *Taylor's Hist. of Gavelkind*, pag. 69.

Ribaud, *Ribaldus*, French *Ribauld*, A Vagrant, luxurious Spend-thrift, a Rogue, a Whoremonger, a Person given to all kinds of wickedness and looseness. Petition against *Ribauds* and sturdy Beggars, *Rot. Parl.* 50 E. 3. num. 61.

Rial, A piece of Gold current for ten Shillings. In 1 H. 6. by Indenture of the Mint, a Pound weight Gold of the old Standard was Coined into 45 *Rials*, going for ten Shillings a piece, or a proportionable number of half *Rials*, going for five Shillings a piece, or *Rial Farthings* going for two Shillings Six-pence. Vid. *Lowndes Essay upon Coins*, p. 38. The Golden *Rial* in 1 Hen. 8. was to go at eleven Shillings three Pence. In 2 Eliz. golden *Rials* Coined at fifteen Shillings a piece, when a Pound weight of old Standard Gold was to be Coined into 48 *Rials*. In 3 Jac. 1. *Rose-Rials* of Gold at thirty Shillings, and *Spur-Rials* at fifteen Shillings.

Ric, Is a Saxon word, signifying as much as *Regnum* in Latin, *Cambd. Brit.* p. 346.

Rider-Roll. See in *Roll*.

Ridge or **Rig** of Land, *Riga*, *Terram quam è pluribus sulcis in aggerem effertur arantes, ita ut sicca sedes frumenti habeatur*, *Romani strigam* (atque inde agros strigatos) nos a *Rig* of Land, *Spelman*. However it is sometime called *Porca terra*.

Ridings, Be Names of the Divisions of *Yorkshire*, which are three, viz. The East-riding, the West-riding,

riding, and the North-riding, mentioned in the Statute 22 H. 8. cap. 5. and 23 H. 8. cap. 18. In Indictments in that County, 'tis requisite that the Town and the Riding be exprest, *West Symbol. part. 2. tit. Indictments, sect. 70. Q.*

Riding Clerk, One of the six Clerks in Chancery, who in his turn, for one Year, keeps the Controlement Books, of all Grants that pass the Great Seal that Year.

Ritens passe per le fait, Is the form of an Exception taken in some Cases to an Action. See *Bro. tit. Estranger al fait on Record.*

Ritens arreare, Is a kind of Plea used to an Action of Debt upon arrearages of Account, whereby the Defendant does alledge, There is nothing in arrear.

Ritens deins le gard, Was a Challenge to a Jury or Enquest of London, for that four sufficient Men, &c. were not impannelled: But it is abrogated by the Stat. 7 H. 7. cap. 4.

Riter County, Retro-comitatus, Comes from the French *Arrier*, posterior, and in the Stat. 2 E. 3. cap. 5. is opposite to Open County; and by comparing that Statute with *Westm. 2. cap. 38.* it appears to be some publick place, which the Sheriff appoints for the receipt of the King's Money after the end of his County. *Fleta* says, That it is *Dies crastinus post comitatum*, lib. 2. cap. 67.

Ristretum, A Coppice, a Thicket, a Spiney, a place of Bushes and Thorns. — *Sciatis presentes & futuri quod Ego Thoroldus de Castre relaxavi Dominis meis Roberto Abbati & Conventui de Burgo totum ristretum meum quod jacet inter boscum pradii Abbatis quod vocatur Tolhawe, & boscum Christiana Pye.* — *Chartular. S. Petriburg. vocat. Swafham, MS. f. 208.*

Ristlura, In a form of Appeal in *Bracton*, lib. 3. cap. 23. upon Felonious wounding against the Peace. — *Et designandum erit, cujus longitudo fuerit plaga & cujus profunditas, & utrum sit plaga vel ristlura, ad hoc quod procedat Duellum vel non procedat, ut sciri possit per factum, utrum sit injuria vel feloniam, i. e. And it shall be discovered, how long and how deep the wound was, and whether it was a wound, or the flesh and skin were only rifled, or, as we now call it, *rippled*, (or a slight Scar) so as it might be determin'd whether the Duel should proceed or not, and that it might be known whether the Fact was a Trespass or Felony.*

Right, Jus, In general signification includes not only a right, for which a *Writ of Right* lies, but also any Title or Claim, either by virtue of a Condition, Mortgage, or the like, for which no Action is given by Law, but only an Entry, *Co. on Lit. lib. 3. cap. 8. sect. 445.* There is *Jus proprietatis*, a right of Propriety; *Jus Possessionis*, a right of Possession, and *Jus Proprietatis & Possessionis*, a right both of Propriety and Possession, and this is anciently called *Jus duplicatum*: For example, If a Man be disseised of an Acre of Land, the Disseisee hath *Jus proprietatis*, the Disseisor hath *Jus possessionis*; and if the Disseisee release to the Disseisor, he hath *Jus proprietatis & possessionis*, *Co. on Lit. lib. 3. sect. 447.* *Jus est sextuplex. 1. Jus recuperandi. 2. Intrandi. 3. Habendi. 4. Retinendi. 5. Percipiendi. 6. Et Possidendi. Co. 8. Rep. Edward Altham's Case.*

Right in Court. See *Reitas in Curia.*

Rime, Rithmus, Is taken for a mean kind of Verse, commonly made by some unskilful Person, of which we need not give you any example, so many paltry Ballads being every day to be seen.

Ringilde, (*Brit. Rhingylde*) *Rex omnibus, &c. quod nullus tenentium in Com. nostris pradietis de catere compellatur ad subeundum sive occupandum officium Ringilde.* — *Carta Hen. 7. Constat. de Anglesey, Car-*

naron, & Merioneth, dat. 3. Mart. anno regni 22. A kind of Bayliff or Serjeant, for so Rhingyl or Ringylth (says Mr. Blount) signifies in Welsh.

Ring-head, 43 *Eliz. cap. 10.* An Engine used in the stretching of Woollen Cloth.

Riot, Riota & riotum, Derived from the French *Riotte* quod non solum rixam & jurgium significat sed tumultum etiam, quo plura in unum, fasciculorum instar colliguntur, signifies the forcible doing of an unlawful thing by three, or more Persons assembled together for that purpose, *West Symbol. part. 2. tit. Indictments, sect. 65.* The differences between a Riot, Rout, and an unlawful Assembly, see in *Lamb. Eiren. lib. 2. cap. 5. Stat. 1. Mar. cap. 12. and Kirchin 19.* who gives these examples of Riots, the Breach of Inclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the burning of Stacks of Corn, &c. *Lamb. ubi supra* mentions these, To beat a Man, to enter upon a Possession forcibly. See *Rout and Unlawful Assembly*. See also in *Crompt. Just. of Peace* divers Cases of Riots, Anno 17 R. 2. cap. 8. and 13 H. 4. cap. 7. See *Rout*.

Riparte, From *Ripa*, a Bank; In the Stat. *Westm. 2. cap. 47.* signifies Water or River running between the Banks, be it salt or fresh, 2 *Inst. fol. 478.* The word occurs also in *Rot. Cart. 9 E. num. 12.*

Ripator — *Juxta sonitum illius instrumenti quod a Ripatoribus vocatur Tabur, subito trecella quadam alarum remigio perneciter evolavit.* *Rad. de Dico & Matth. Paris sub anno 1191.* By this word Ripator, Mr. Sommer would understand a Ripper or Reaper of Corn. And some others would interpret them to be Riflers or vagabond Thieves. But the occasion of the Story, and the Scene of Action, seem plainly to imply, that Ripatores were Riparii, Fishermen or Rippers.

Rippers, Riparii, Had their Name a fscella qua in deveehndis piscibus utuntur, in English a Ripp, and are such as are to bring Fish from the Sea-coast to the inner parts of the Land, *Cambd. Brit. pag. 234.*

Riste, Orisa, Is a kind of Corn growing in Asia and the Indies, of which you may read in *Gerard's Herbal, lib. 1. cap. 52.* This is mentioned among Spices to be garbled in the Stat. 1 Jac. cap. 19.

Rivagium, Rivage, Riverage, a Toll or Duty paid to the King in some Rivers, for the passage of Boats or Vessels. King *Edw. 1.* grants a Charter to the Barons of the Cinque Ports — *ut quieti sint de omni theolonio & omni consuetudine videl. ab omni lastagio, tallagio, passagio, cayagio, rivagio, sponsagio, & omni mreec, &c.* *Placit. temp. Ed. 1. & Ed. 2. penes Dominum Fountains.*

Rivare, To have the liberty of a River for Fishing or Fowling. — *Rex dat licentiam Reginaldo Filio Petri, quod riveare possit per totam ripariam nostram de Kenette, & in instanti seiscina aves capere & asportare, Pat. 2. Ed. 1. M. 6.* — *Licentia pro Radulfo de Chenad quod riveare possit per ripariam de Kennet in Com. Berk. cum quodam Austurco. Pat. 18. E. 1. M. 40.*

Roather Beasts, Anno 7 E. 6. cap. 11. See *Rother Beasts*.

Roba, Ital. signifies *Vestis*, in English Robe.

Robbery, Robaria, Is a felonious taking away of another Mans Goods from his Person or Presence against his will, putting him in fear, and of purpose to steal the same, *West Symb. part. 2. tit. Indictments, sect. 60.* And this Offence was called Robbery, either because they bereaved the true Man of some of his Robes or Garments, or because his Money or Goods were taken out of some part of his Garment or Robe about his person, *Co. 3. Inst. cap. 16.* This is sometimes called *Violent Theft*, *West Symbol. ibid.* which is felony

felony of two pence, *Kitchin*, fol. 16. and 22 lib. Ass. 39. See *Skene de verborum Signif. verb. Reif*, and *Crompt. Justice of Peace*, fol. 30.

Robbers, 5 E. 3. 14. and 7 R. 2. cap. 5. *Lamb. Eiren. lib. 2. cap. 6.* interpreteth them to be mighty Thieves; they are called in Latin *Robatores*, saith *Spelman*, being *Latrones validi qui in personas hominum infidentes bona sua diripiunt*.

Robertson or **Robertsmen**, Were another sort of great Thieves, mentioned 5 E. 3. 14. and 7 R. 2. cap. 5. *Ca. 3 Inst. fol. 197.* says, *Robinhood* lived in *Richard* the First's time on the Borders of *England* and *Scotland* by Robbery and Spoil, and that these *Robertsmen* took Name from him.

Rod, *Rodu Terra*, Is otherwise called a *Perch*, and is a Measure of sixteen foot and a half, and in *Staffordshire* twenty foot, to measure Land with. See *Perch*.

Rodknights alias **Radknights**, (Is derived from the Saxon *Rad*) in English *Road*, i. *equitatus*, and *Cnyct*, *Minister*, were certain Servitors, which held their Land by serving their Lords on Horseback, *Bract. lib. 2. cap. 35. num. 6.* saith of them, *Debent equitare cum Domino loco de Manerio in Manerio, vel cum Domini uxore, Flea, lib. 3. cap. 14. sect. Contineur.*

Rodundellus, *Rotundellus*, A Roundle, an old Riding Cloak. — *Thomas de Cantilupo Episcopus Hereford.* *Stolum ad collum quam equitabat subtus capam vel rodundellum ad modum crucis portabat, ut patens esset ad confirmandum pueros occurrentes.* Liber de miraculis *Thome Episc. Hereford.* MS.

Rofe tyle alias **Creat tite**, Is that Tile which is made to lay upon the ridge of the House, 17 E. 4. 4.

Rogation week, *Dies Rogationum*, Is a time well known to all, and is so called, because of the special Devotion of Prayer and Fasting then enjoined by the Church to all Men, for a Preparative to the joyful remembrance of *Christ's Ascension*, from which time to *Trinity-Sunday* Matrimony is forbidden to be celebrated.

Rogue, *Rogus*, May be deduced from the French *Rogue*, i. *Arrogans*, and signifies an idle sturdy Beggar, who wandreth from place to place without Licence, after he hath been by Justices bestowd, or offered to be bestowed on some certain place of abode; who, for the first Offence, is called a *Rogue* of the first degree, and punish'd by whipping and boring through the gristle of the Ear with a hot Iron, an inch in compass. And for the second Offence is termed a *Rogue* of the second degree, and put to death as a Felon, if he be above Eighteen years old. See the Stat. 14 Eliz. 5. 18 Eliz. 3. and 36 Eliz. 17. and *Lamb. Eiren. lib. 4. cap. 4.*

Rogus, Is the Latin word for a great Fire, and there it is *congeries lignorum ad comburendum, vocab. utriusq. juris*. Sometimes it is taken only for a Pile or Stake of Wood, as *Mandatum est Constabulario castri de Divis. Et custodi foresta de Cippeham quod fieri fac. unum rogum in foresta predicta ad operationes castri predicti.* *Reg. T. 10. Maii. Claus. 5 Hen. 3. m. 8.*

Roll, *Rotulus*, Signifies a Schedule of Paper or Parchment, which may be turned or wound up with the hand to the fashion of a Pipe, *Stamf. pl. cor. fol. 11.* of which there are in the Exchequer several kinds. As the great *Wardrobe Roll*, the *Coffeyers Roll*, the *Subsidy Roll*, &c. Of which see the *Practice of the Exchequer Court*, fol. 75.

Ridder roll, *Noy's Rep. fol. 84.* The Court *Ex Officio*, may award a *Certiorari ad informandam conscientiam*; and that which is certified shall be annexed to the Record, and is called a *Ridder roll*. Or a *Ridder roll* is a Schedule, or small piece of Parchment, added to some part of a Roll or Record.

Roll of Court, *Rotulus Curie*, The Court Roll in a Mannor, wherein the Names, Rents, and Services of the Tenants were copied and enrolled. *Per rotulum Curie tenere*, by Copyhold. — *Matildis le Tail-lur tenet per rotulum Curie unum messuagium*, *Reg. Pa-roch. Antiq.*

Rolls of Parliament, *Rotuli de Parlamento*. The Manuscript Registers or Rolls of the proceedings of our old Parliaments. For before the use of Printing, and till the Reign of *Hen. 7.* our Statutes were all engross'd in Parchment, and (by vertue of the King's Writ to that purpose) proclaim'd openly in every County. — In these Rolls we have likewise a great many decisions of difficult points in Law, which were frequently in former times refer'd to the determination of this Supreme Court by the inferior ones of both Benches, &c. *Mr. Nicholson's Hist. Library, P. 3. p. 47.*

Rolls, Or the Office of the Rolls in *Chancery-Lane*, anciently called *Domus Conversorum*, Is the House that was built by King *Henry the Third*, for Jews converted to the Christian Faith; but *Edward the Third* expelled them for their wickedness, and deputed the place for the custody of the Rolls and Records of the *Chancery*, the Master whereof is the second in *Chancery*, and in the absence of the Lord Chancellor, or Lord Keeper, sits as Judge, being commonly called, *The Master of the Rolls*, which see.

Romefote, Is a Saxon word signifying, *Nummum Romæ datum*, for peoh, in Saxon is *Nummus*, that is, Money in English. See *Romefote*.

Romepenny, In Saxon *pompennyng*, i. *Roma denarius*, for the Saxon *Pennyng*, is the same as *Penny* with us, or *denarius* in Latin. See *Romefote*.

Romefote, Is compounded of *Rome* and *Scot*, as if you would say, The Tribute due to *Rome*. *Mar. Westminster* says it was *Consuetudo Apostolica, à qua neq. Rex, neq. Archiepiscopus vel Episcopus, Abbas vel Prior aut quilibet in Regno immunis erat*. It was an annual Tribute of one Penny from every Family, paid yearly to *Rome* at the Feast of *St. Peter* ad vincula, being the first of *August*. *Cambden* in his *Brit.* says, *Offa* the Saxon first granted it, but others, that *Inas*, a King of the *West Saxons*, being in Pilgrimage at *Rome*, Anno 725. gave it as an Alms, and was first forbidden by *Edward the Third*. It amounted to three hundred Marks, and a Noble yearly. See *Leg. Hen. 1. cap. 12. Rog. Hoveden par. post. suor. annal. fol. 344. in vita Hen. 2.* and see *Peter-pence* and *Heath-penny*. This payment was abrogated 25 H. 8. 25. restored 1 & 2 P. & M. but utterly abolished 1 Eliz. 1. See *Spelman's Glossary*, verbis *Romefote*, *Romefeah*, *Romepenny*. This mark of Slavery was a burden and a scandal to the English Nation. Our Free-born Ancestors often complain'd of it. It was one of the complaints of grievance in Parliament, 8 John A. D. 1206. when the King issued out this Writ of Redress, *Rex Archiepiscopo, Episcopis Abbatibus, Archidiacono & omni Clero apud Sanctum Albanum convocatis Salutem. Conquerente Universitate Comitum Baronum Militum & aliorum fidelium nostrorum audivimus quod non solum in Laicorum gravem perniciem sed in totius regni nostri intollerabile dispendium super Romefote prater consuetudinem solvendo — Mandamus — ne contra regni nostri consuetudinem aliquod novum Statutis — Telle meipso apud Ebor. 25 die Maii, anno regni nostri 8. Cart. 8. Job. m. 1.*

Rood of Land, *Roda terra*, The fourth part of an Acre, 5 Eliz. cap. 5.

Ros, Among the Services and Customs of the Sochmen who held Lands of the Priory of *Spalding*. — *Debent tres carectas de Ros & tres de byndinge carectas*

Bandas in curiam Domini cibo Domini — which Dr. Brady renders, They ought to carry three Loads of Thatch, and three Loads of Byndinge to the Lords Court, he finding them Villuals. But I think rather, *Ros* is no more than *Rushes*, and the Duty was to carry three Loads of loose Rushes, and three Loads of any sort, as bound Corn, or other stuff bound up in Bands.

Rofetum, A low watry place of Reeds and Rushes. In the Endowment of the Vicaridge of *Stokeland*, within the Diocels of *Bath and Wells*, in the Year 1453. it is ordain'd — *Ut Vicarius habeat omnes decimas roseti sive arundinum totius parochie*. Reg. Eccl. Well. MS. — *Salvis duntaxat dictis Religiosis decimis majoribus de terris, pratis, purpresturis, & rosetis dominicis ipsius Johannis approviatis seu in posterum approviandis* — Cartular. Glaston. MS. f. 107. b. Hence the covering of Houses with a Thatch made of Reeds and Rushes was called *Rofetum* — *Hac omnia edificia egyptie & opere saltem sumptuoso consummatas lapide aut roseto secundum quod loci opportunitas exigebat vel permittebat pro majori parte co-operiri faciebat*, ib. p. 42. a.

Rotherbeats, Under this Name are comprehended Oxen, Cows, Steers, Heifers, and such like horned Beasts, 21 Jac. cap. 28. And in *Hierfordshire* the Dung of such Beasts is called *Rotherfoyle*.

Rotulus Wintonie, *Doomsday Book* so called, because it was of old kept at *Winchester*. See *Doomsday*. *Spelman* in his Glossary says, There was another Roll called *Rotulus Wintonie*, made long before that by King *Alfred*; concerning which, hear *Ingulphus* speaking of *Doomsday Book*. *Talem* (says he) *Rotulum & multum similem ediderat quondam Rex Alfredus in quo totam terram Angliæ per Comitatus, Centurias, & Decurias descripsit*, &c.

Rotulus Cancellariæ, *Brañen*, lib. 3. cap. 24. *Omnia Brevia de pace* (quæ sunt prohibitiones) *introtulari debent in Rotulo de Cancellaria*. See *M. P. in an.* 1110. p. 61.

Rotuli Placitorum, Court Rolls, or Records upon Roll; the Register of Trials, Judgments, and Decrees in a Court of Justice. — *Dicti homines premissas conventiones in Rotulis Placitorum Domini Regis de anno supradicti ad majorem securitatem introtulari procurant*. Paroch. Antiquit. p. 321.

Rouge Croisé. See *Herald*.

Roundlet. See *Runlet*.

Rout, *Routa*, *Turma*, *Cobors*, A Company or Number, but in a legal sense signifies an Assembly of three Persons, or more, going forcibly to commit an unlawful Act, though they do it not, *West Symb.* part 2. tit. *Indictment*, sect. 65. says, A *Rout* is the same which the *Germans* yet call *Rot*, meaning a Band, or great Company of Men gathered together, and going to execute, or indeed executing any Riot or unlawful Act. But the Statute of 18 E. 3. stat. 1. cap. unico, which gives Process of Outlawry against such as bring Routs into the presence of the Justices, or in affray of the People. And the Statute of 2 R. 2. cap. 6. that speaks of riding in great Routs to make entry into Lands, and beat others, &c. do seem to understand it more largely, *Bro. tit. Riot* 4, 5. So that a *Rout* seems to be an unlawful Assembly, and a Riot the disorderly Fact committed by such unlawful Assembly. Howbeit two things are common both to Riot, Rout, and unlawful Assembly. The one, That three Persons at least be gather'd together. The other, That being together, they do disturb the Peace, either by Words, shew of Arms, turbulent Gesture, or actual Violence, &c. *Lamb. Eiren.* lib. 2. cap. 5. See *Riot* and *unlawful Assembly*.

Rotwing of Clothes, 27 H. 8. 13. It may perhaps be derived from the French *Rover*, *versare*, *rotare* quia rotâ circumductâ pannos complanare solebant.

Royal Assent, *Regius Assensus*, Is that assent which the King gives to a thing formerly done by others, as to the Election of a Bishop by Dean and Chapter, which given, then he sends a special Writ for the taking of *Pealty*. The form of which you may see in *F. N. B.* fol. 170. And to a Bill passed in both Houses of Parliament, *Crompt. Jur.* fol. 8. which Assent in Parliament being once given, the Bill is Endorsed with these words, *Le Roy le veult*, i. It pleases the King; but if he refuse to agree to it, then thus, *Le Roy S'avisera*, i. The King will advise.

Royalties, *Regalia vel Regalitates*, Are the Rights of the King, *Jura Regis*, otherwise called *The King's Prerogative*. Some of these be such as the King may grant unto common Persons; some to high, that they may not be separated from his Crown private, as the *Civilians* call it, though Cumulative they may. See *Brañen*, lib. 2. cap. 5. and *Mathæum de afflicto*, upon the Title of the Feuds, *Quæ sint regalia*, where he reckons up twenty five special particulars of *Royalties*. See also *Hotoman's Commentaries*, in lib. 2. Feudor. cap. 56. and see *Prerogative & regalia*.

Royne, Streams, Currents, or other usual passages of Rivers and Running Waters. — A Bill for opening the ancient *Royne* and *Water-courses* in *Sedgmore* in the County of *Somerset*, for rendring the said Moor more healthful and profitable to the Inhabitants. Votes of the House of Commons, 21 February 1698.

Rubbish, Dirty stuff, filth, rubbish. *Clauſ.* 26 R. 2. Dori. 2. See *Lastage*.

Rugi, *Rufians*, *Leg. Ed. Conf.* tit. *De L. Noricorum* — *Aufugit ad regnum Rugorum quod nos melius vocamus Rufiam*; And afterwards speaking of *Margaret* the Sister of *Edgar*, and Queen of *Scots*, *Ex parte verò matris, ex genere & sanguine regum Rugorum*.

Rudge washed Kersey, Is that which is made of *Fleece-wooll*, wash'd only on the *Sheeps back*, 35 Eliz. cap. 10.

Runcilus & Runcinus. Is used in *Doomsday* (says *Spelman*) for a Load-Horse, *Equus operarius colonicus*, or a Sumpter-Horse; and sometimes for a Cart-Horse, which *Chaucer* in the *Seamans Tale* calls a *Robency*.

He rod upon a *Rotwney* as he could.

Runt, From the Saxon *Rununge*, i. a course or running a Water-course, so called in the Marshes of *Somersetshire*: History of imbanking and draining, fol. 106.

Runlet alias *Roundlet*, Is a certain Measure of Wine, Oyl, &c. containing eighteen Gallons and a half, Anno 1 R. 3. cap. 13.

Rungata, — *Inter antiquas consuetudines Abbatia S. Edmundi* — *In prato de Nomannes, Lond.* — *quandiu foenum fuerit in prato debent Messor & Inlard esse in prato die ac nocte ad custodiam feni, & ideo habebant fenum de cota sua, sed ipsum non debent abducere donec Cellerarius vel sui viderint si nimis apposuerint vel non, quod si fecerint mensurabitur, &c.* Cartular. S. Edmundi MS. f. 318.

Ruoda, *Leg. Saxonum*, tit. 2. sect. 1. — *Qui nobilem occiderit iccexl. sol. componat. Roda quod dicitur apud Saxones cxx. sol. & inter premium cxx. ad Ruod veteri lingua Saxonica crucem significat.* For it is most certain, that our Ancestors the Saxons called the Cross *Rode* or *Rode*; hence came the *Rode lost*, and we still call *Diem Sanctæ Crucis*, *Wolz-rod-dap*.

Rupta, Is the same with *Routa*, which see *Mat. Paris* in Anno 1199. use it for a Troop of Soldiers. — *Qui duces fuerunt catervæ (quam Ruttam vocamus)* mili-

militantes sub Comite Jo. fratre Regis Richardi equitationem facerent, &c.

Ruptarii, Milites, Soldiers, Mat. Par. in Anno 1199. Sed quoniam idem Episcopus (Belluacensis) contra ordinis sui dignitatem captus fuerat in armis, ut miles vel Ruptarius, non prius est abire permixtus donec 6000. argenti carucis ad pondus sterlingorum numeratis & fisco commendatis Regia concupiscentie satisfecisset. Hollinshed, pag. 243. calls them *Rutters*, and pag. 98, 99: *Ruptarii*.

Ruptura, Arable Land, or ground broke. Terram quoque tam in mansuris quam in rupturis totius parochia hominibus ibi hospitatis excolendam, reservato tantummodo campo. — concessit. Orderic. Vital. l. 5. p. 596.

Rural Decans, Decani rurales, Of whom Spelman gives this account, Sunt Decani temporales ad aliquod Ministerium sub Episcopo vel Archiepiscopo exercendum constituti; qui nec habent institutionem Canonicam secundum Doctores. And this Rural Dean he supposes to be the same, which in the Laws of Edward the Confessor, cap. 21. is called *Episcopi Decanus*. See Dean. Each Diocesis hath in it one or more Archdeacons, for dispatch of Ecclesiastical business, and every Archdeaconry subdivided into fewer or more Rural Deaneries, Heylin's Cosmog. fol. 204. and he says, they were anciently called *Arch-Presbyteri* & *Decani Christianitatis*. See a Dissertation of the Institution and Authority of Rural Deans, by Mr. Kennett, in his *Paroch. Antiquities*.

Rusca, In Doomsday Book, tit. Cestre, we find these words in substance, When the King himself came in Person to Chester, every Carucata yielded him two hundred Hestae's, and one Tun of Ale, and one Rusca of Butter; but what quantity that *Rusca* contained appears not: *Rusca apum* signifies a Hive of Bees. *Rusca butiri*, a Tub or Barrel of Butter salted up, which in Ireland is still called a *Rushin*.

Rutsche, Mellarium, alveare, For so it seems to signify in a Charter of Will. Bray Knight, made to the Canons of Osney. Ita tamen, ut tantum de apibus, quas ipse Will. & heredes qui & homines sui in Curia habebant, decimas percipiant, scil. de Rutchis. It may be derived from the French *Ruche*, that signifies in Latin *Alveare*.

Rustici, The Chiorls, Churles, Clowns, or inferior Country Tenants, who held Cottages and Lands by the Services of Ploughing, and other Labours of Agriculture for the Lord. The Land of such ignoble Tenure was call'd by the Saxons Gafolland, as afterwards Speccage Tenure, and was sometimes distinguish'd by the Name of Terra Rusticorum. So Gilbert Bassett gave to his Priory of Burcester. — Unum virgatum terrae in Stratton collectam de terra Rusticorum, quae data fuit in dote praedictae Capelle. Paroch. Antiquit. p. 136.

Rutarii, Stipendiary Forces, or Mercenary Soldiers, in the Service of our old English Kings, who came from Foreign Parts, especially from Germany. Anno 1216. 18. Cal. Febr. cepit Johannes Rex Anglia villam & castellum de Berwic, ubi cum Rutariis suis feroci supra modum & inhumana usus est tyrannide — in reditu autem suo Rutarii sui Ministri Diaboli Abbatiam de Coldingham expugnauerunt. Chron. Mailros. sub anno.

Roamers about, They seem to be Vagabonds, q.d. Roamers about, Skene, lib. De Crimin. Capital. tit. 2. C. 14. Paragr. 2. F. 135. p. 2.

S.

Sabbatum, In Doomsday, tit. Sudsex, Is used for Peace, Terra Will. Episcopi de Tetterford, Byedes hundred, num. 18. Postquam Willielmus Rex advenit & sedebat in Sabbato, & Willielmus Mallet fecit suam mastellum de Eia, &c.

Sables. See Furze.

Sabulonarium, A Gravel-Pit, or the free use of it, a liberty to dig Gravel or Sand, or a Right to receive the Money paid by others for leave to dig Gravel or Sand within such a Precinct. — Et debent habere Sabulonarium & chininagium per totam censariam praedictam. — Petit. Parl. temp. Ed. 3.

Sac, Saccha vel saucha. This Minshew renders to signify a Royalty or Privilege touching Plea, or Correction of Trespasses of Men within a Mannor; and that the word Sac in the Saxon Tongue properly signifies as much as (Causa with the Latines) Sake, whence we in English still retain the Expression, For whose sake, &c. that is, for whose Cause: But in the Laws of Edward the Confessor, thus, Saccha est quod si quilibet aliquem nominatim, de aliquo calumniatus fuerit & ille negaverit, forisfactura probationis vel negationis (si everserit) sua erit. I will also exhibit an Exposition both of *Sacha* & *Sacha* out of a very ancient Manuscript Book, in which are Registered several Donations to a Cathedral Church in England, being in the Custody of Silas Taylor Gent. where, after the recital of a certain Charter granted by Edward the Confessor to them, Cum Saka & cum Sokna; There follows an Exposition of them both in red Letters thus,

Sequitur expositio illorum Terminorum Soka & Saka.

Soka, Hoc est secta de hominibus in curia vestra secundum consuetudinem Regni.

Saka, Hoc est placitum & emenda de transgressionibus hominum in Curia vestra.

The first is only the Suit of Court due by the Inhabitants of a Lordship or Mannor, and *Sac* is the liberty of holding Pleas, and imposing Mults and Forfeitures upon Transgressors in that Court. But *Rasnal*, and some others, define *Sac* to be the Forfeiture it self. *Bracton, lib. 3. traſſ. 2. cap. 8.* quoted by *Stamford* in his *Pleas of the Crown, lib. 1. cap. 23.* uses the word, but both of them leave the signification undetermined. *Skene de verbor. Signif. verb.* *Sack*, writes, That in some old Books it is called *Placitum de transgressionibus hominum in curia nostra*, see him at large, and *Hoveden, part suar. annal. fol. 345.* See *Kerlway's Rep. fol. 145.* Et Breve Hen. 2. *Justiciariis de Norfolk. Principio ut sanctus Benedictus de Ramesia ita bene & libere habeat Socam & Sacam suam, &c.* See *Saka*.

De Saccis, Fratres de Saccis. The Sackcloth Brethren, or the Penitential Order. Jurati presentant quod Adam de Hariel tenuit ut escaetum suum Dornas quae valent per annum 10. sol. quae quondam fuerunt Fratrum de penitentia qui vocabantur Fratres de Saccis infra Aldemariam de Westgate in civitate Cantuar. Placit. 8 Ed. 2.

Sakaburth alias Sakebere. Is he that is robbed, or by Theif deprived of his Goods, Britton, cap 15 & 29. with whom agrees Bracton, lib. 3. traſſ. 2. cap. 32. num. 2.

thus, *Furtum vero manifestum est ubi latro deprehensus, sit, scilicet de aliquo latrocinio, scilicet. Hondhabend & Backberende, &c. insecutus fuerit per aliquem cujus res illa fuerit qui dicitur Sacaburth, & sine secula cognoverit se inde esse latronem coram Vice-comite, vel Coronatore, vel serviente Domini Regis cum testimonio proborum hominum, extunc furtum dedicere non possit, quia tales in hoc habent recordum. The Scots term it Sacreborgh & Sikerborgh, that is, certum vel securum plegium vel pignus; For with them Siker signifies Securus, and Borgh, Plegius; As if one should say, He that is taken flying with the thing stolen about him, seems thereby, as by a certain Token, to have betrayed his Guilt. But Sacaburth may more reasonably be derived from Sac or Saca, that is, lis or causa, and burh pignus. Propterea quod res furtiva sit quasi causa pignus, so says Spelman. Sir Edw. Co. 3 Inst. fol. 69. will have it come from Sak and Bere, that is, He that bears the Bag; from which Spelman differs not much, when he says the word Sacaber is quasi sacam ferens vel lator.*

Saccus cum Brochia, Was a Service or Tenure of finding a Sack and a Broach to the King, for the use of his Army, *Bracton, lib. 2. tract. 1. cap. 6.* hath these words, *Si quis teneat per servitium inveniendi Domino Regi certis locis &c. certis temporibus unum hominem & unum equum &c. Saccum cum Brochia pro aliqua necessitate vel utilitate exercitum suum contingentem.*

Sacreborgh alias Sikerborgh, *Securus plegius vel pignus*, A good Pledge or sufficient Caution. See *Sacaburth*.

Sack of Wool, *Saccus Lanae*, Is a quantity of Wool containing twenty six stone, and every stone fourteen pounds, *14 E. 3. stat. 1. cap. 2.* See *Saplar*. In Scotland it is twenty four stone, and each stone sixteen pound. See *Skene*.

Sacrassid Rents, Are certain small Rents paid by some Tenants of the Mannor of Chuton in Somersetshire, to Sir Charles Waldgrave Lord thereof; but he cannot tell why they are so called.

Sacramento recipiendo, quod vidua Regis se non maritabit sine licentia Regis, Is a Writ or Commission to one, for the taking of an Oath of the King's Widow, that she shall not marry without the King's Licence, *Reg. Orig. fol. 298.*

Sacramentum, An Oath: The common form of all Inquisitions made by a Jury of free and legal Men—*Quis dicant super Sacramentum suum*. Whence possibly the Proverbial Offering to take the Sacrament in affirming or denying, was first meant of attesting upon Oath.

Sacramentum Altaris, The Sacrifice of the Mass, or what we now call the Sacrament of the Lord's Supper. For which Communion in the times of Popery, the Parish Priest provided Bread for the People, and Wine for himself, out of the ample Offerings; and in appropriated Churches this Burden was commonly laid upon the Vicar, because he received the customary Oblations.—*Panem & vinum pro Sacramento Altaris Vicarius illius Ecclesie (i. e. de Meriton Com. Oxon.) propriis sumptibus exhibebit.* *Paroch. Antiquit. p. 483.*

Sacramentum plenum, *Diellum reor* (says Spelman) *de completo numero duodenario, ut in Leg. Edw. Confes. ab Inghulpho datus, cap. 17.*

Sacrilegium, Sacrilege, or an Alienation to Lay-Men, and to profane or common purposes, of what was given to Religious Persons, and to Pious Uses. Our honest Fore-fathers were very tender of incurring the guilt and scandal of this Crime. And therefore when the Order of the Knights Templars was dissolv'd, their Lands, &c. were all given to the Knights Hospitallers of Jerusalem, for this sacred

reason.—*Ne in pios usus erogata contra donatorum voluntatem in alios usus distraberentur.*—*Paroch. Antiquit. p. 390.*

Sacrobarras, *Lib. M. S. de Officio Coronatoris*, *Inquirendum est per 12 juratores pro lege super Sacramentum suum quod fideliter presentabunt sine ullo concelamento omnes fortunas (i. fortasse occisos) abjuraciones, appella munda Sacrobarras, felonias factas, per quos &c. quae, &c.* Quære, faith Spelman, if Sacrobarras be not the same with *Sacrilegia*.

Safe Conduict, Salvus Conduetus, Is a Security given by the Prince, under the Great Seal of England, for his quiet coming in and passing out of the Realm; touching which, read the Statutes, *15 H. 6. 4. 18 H. 6. 8. & 28 H. 8. cap. 1.* and the form of it, *Reg. Orig. fol. 25.*

Safe guard. See *Salva guardia*.

Safe pledge, Salva plegius, Is a Surety given for a Man's Appearance against a day assigned, *Bracton, lib. 4. cap. 2. num. 2.* where it is also called *certus plegius*.

Sagibaro alias Sachbaro, The same that at present is called *Justiciarius*; for *Sagibarones* were *causarum judices qui in publicis conventibus jus dicebant litesq; dirimebant*, from whence also the Name may be derived; for *Sac* or *Sag* signifies *Causam* or *litem*, and *Baro*, *virum vel hominem*, as one would say, *Vir causarum*, a Judge.

Sagitta Barbata, A bearded Arrow, such as we usually call *A broad Arrow*.

Sailing matt, *Anno 1 R. 3. cap. 8.* May be Canvas, or such other Cloth as Sails for Ships are made of.

Saka. See *Sac*.

Salary, Salarium, Is a recompence or consideration made to a Man, for his pains or industry bestowed on another mans business. The word is used *22 E. 3. cap. 1.* The word *Salarium* at first signified the Rents or Profits of a Sala, Hall or House. (In Gascoigne they now call the Seats of Noble Men *Salles*, as we do Halls.) It afterward stood for any wages, stipend, or annual allowance.

Salut, Is a Head-piece, *4 & 5 P. & M.* From the French *Salut*, i. *Salus*, mentioned also *20 R. 2. cap. 1.* See *Sallet* or *Scull of Iron*, otherwise called a *Morion* or *Pot*.

Salarium, Salinum, A Salt-seller.—*Idem Abbas reliquit unum scyphum de Tamaris, unum Salarium argenteum & picarium argenteum.*—*Chartular. Abbat. Glaslon. MS. f. 54. d.*

Sallarum, Is the Latin word for Custom paid for Salt, according to *Canen*.

Salo & Salones, *foyl vel Magistratus Wintger*, A Tiptaff or Serjeant at Arms, *qui reus protrahunt in judicium*. It may be derived from the Saxon *ragol*, *Fastis*, because they use to carry a Rod or Staff of Silver.

Salina, A Salt-Pit, a House or Place where Salt is made, *In Herbachijs & Piscariis, in salinis & Fabricis, in maneris ferreis, &c.* *Carta 17 E. 2. num. 28.*

Saliquit Law, *Sec. falica*, *De terra falica nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terra hereditas perveniat, &c.* was an ancient Law made by *Pharamond* King of the Franks, part of which seems to have been borrowed by our *Henry the First* in compiling his Laws, as *cap. 89. Qui hoc fecerit secundum Legem salicam moriatur, &c.*

Salmon-Pipe, *25 H. 8. cap. 7.* Is an Engine to catch *Salmons*, or such like Fish.

Salmon stufe, Seems to be the young fry of *Salmon*, *Quasi salmon issue*, *13 R. 2. stat. 1. cap. 19.*

Salt silver, One penny paid at the Feast of *St. Martin*, by the servile or customary Tenants to their Lord.

Lord, as a commutation for the service of carrying their Lord's salt from Market to his Lardar. — In *manneria de Wydington* quilibet virgatus dabit Domino unum denarium pro Salt-silver per annum ad dictum Festum S. Martini vel carabunt saltem Domini de foro ubi emptus fuerit ad Lardarium Domini. Kennet's Paroch. Antiquit. p. 495.

Saltatorum, A Deer-leap, *Clamat habere liberum parcom suum apud Halton cum duobus saltatoriis in eodem*, Pl. apud Cestriam, 31 E. 3.

Salvus, Highwood. See *Boscus*.

Salvus gardia, Is a security given by the King to a stranger, fearing the violence of some of his Subjects, for seeking his Right by course of Law; the form whereof, see in *Reg. Orig. fol. 26*.

Salvage Money, Is a recompence allowed by the Civil Law, in lieu of all Damages sustained by that Ship that saves or rescues another which was set upon by Pirates or Enemies.

Salvagus, Wild, Savage. *Salvagus Catus*, The Wild Cat. *Rex Johannes dat licentiam Ricardo Gosfeld & heredibus quod habeant octo brachetos & unum Leporarium in foresta nostra de Essex ad capiendum vulpem & leporem & catum Salvagium*. Rot. Cart. 1. Job. p. 2. m. 10.

Salutz, *Salus*, Was a Coin of Gold stamped by King Henry the Fifth in France, after his Conquests there: Whereon the Arms of England and France were stamp'd quarterly, see *Stow's Chr. p. 589*.

Salvus Plegius. See *Plegius*.

Sanctuary, *Sanctuarium*, Is a place privileged by the Prince, for the Safeguard of Mens Lives that are Offenders, being founded upon the Law of Mercy, and upon the great Reverence, Honour and Devotion, which the Prince beareth to the place whereto he granted such a Privilege, *Stamf. Pl. Cor. lib. 2. cap. 38*. This seems to have taken beginning from the Cities of Refuge, mention'd *Exod. cap. 21*. In imitation whereof, first the Athenians, then Romulus, erected such a place of Immunity, which they called *Aylum*. *Polydor Virgil. de inventione rerum*, lib. 3. cap. 12. The like did the Roman Emperors, as appears, *Cor. lib. 1. tit. 15*. But among all others, our ancient Kings of England attributed most to these Sanctuaries, permitting them to shelter such, as had committed both Felonies and Treasons, so that within forty days they acknowledged their Fault, and submitted themselves to Banishment; During which time, if any Lay-man expelled them, he was excommunicated; if any Clerk, he was made irregular: But after forty days, no Man might relieve them, *Stamf. Pl. Cor. lib. 2. cap. 38*. See of this the *New Book of Entries*, verb. *Sanctuary*, and *Fleta lib. 1. cap. 29*. and how by degrees they have been taken away, read *26 H. 8. 13. 28 H. 8. 7. 32 H. 8. 12. 33 H. 8. 15. 1 E. 6. 12. 2 E. 6. 2 & 33. 5 E. 6. 10*. See *Abjuration*. Of these there were many in England, but one more famous than the rest at St. Johns of Beverley, which the Saxons called *Fridstall*, which had this Inscription, *Hæc sedes Lapidea Fredstoll, dicitur i. Pacis Cathedra ad quam reus fugiendo proveniens, omnimodo habet securitatem*.

Sandall, 2 R. 2. cap. 1. Is a Merchandise brought into England, and is a kind of Wood brought out of India; for scandal in French so signifies, and the like does *santalum* in Latin.

Sand-gavel, In the Lordship of Redeley in Com. Glouce. the Tenants pay to the Lord a certain Duty of Sand-gavel, for liberty granted to them to dig up sand for their uses, *Taylor's History of Gavelkind*, p. 113.

Sanguinem redimere, To pay the Merchant, or accusom'd Fine, for leave given to servile Tenants to dispose of their Daughters in Marriage. — *Præterea dicunt quod debent redimere sanguinem suum, ita quod*

maritagium non se deficiat propter duritiam prædicti Abbat. — Cartular. Reading. MS. fol. 223. a.

Sarcin time, Is the time when the Husbandman weeds his Corn. And it proceeds from the French *Sarcier*, or the Latin *sarcire*, both which signifies to weed; from whence also proceeds *sarcum*, a weeding Hook.

Sarcultura, Weeding Corn. *Una Sarcultura*, The Tenants service of one days weeding for the Lord. — *Tenet in bondagio, & debet unam arvam, & unam sarculturam*. Paroch. Antiquit. p. 401. *Alicia quæ fuit uxor Richardi le Grey faciet unam sarculturam, & unum Wedbedripam*, ib. p. 402.

Sarplar, *Sarplera Lana*, otherwise called a *Peckget*, is half a Sack; a Sack eighty Tod, a Tod two stone, and a stone fourteen pound, *Fleta, lib. 2. cap. 12*. This in Scotland is called *Serpliath*, and contains four-score stone. For the Lords of the Council, An. 1527. decreed four *Serpliaths* of packed Wool to contain sixteen score stone of Wooll. See *Skene de verbor. Signif. verb. Serpliath*, and 3 par. *Infl. fol. 96*.

Sarkellus, An unlawful Net or Engine for destroying Fish. — *Inquisitionis facta coram Justitiariis anno 1254. — De his qui piscantur cum Kidellis & Sarkellis*, *Annal. Burton*, p. 339.

Sart, *Essart*, A piece of Wood Land turn'd into Arable. See *Affart*.

Sarum, Is intended for the City of Salisbury; It was a form of Church-Service called *Secundum usum Sarum*, and was composed by Osmund the second Bishop of Sarum in the time of William the Conqueror, *Hollinshead*, pag. 17. col. B.

Sasse, Anno 16 & 17 Car. 2. Cap. 12. Is a kind of Ware with Flood-gates, most commonly in cut Rivers, for the shutting up and letting out the Water, as occasion requires, for the more ready passing of Boats and Barges, to and fro. This in some places, as *Guilford River* is called a *Lock*, in others less properly a *Turnpike*, and in others a *Sluice*.

Saturdays-flop, Is a space of time in which of old it was not lawful to take Salmon in Scotland and the North of England, that is, from Even-song on Saturday till Sun-rising on Monday.

Saver default, Is word for word to excuse a default: This is properly, when a Man having made a default in Court, comes afterwards and alleges a good Cause why he did it, as Imprisonment at the same time, or such like, *New Book of Entries*, verb. *Saver de default*.

Saukefine, May be derived from the French *Sang*, *sanguis*, and *Fin*, *finis*; and is a Phrase used by Britton, cap. 119. for the determination or final race of a descent of Kindred.

Saronlag, *Seaxenlaga*, *Lex Saxonum*. See *Merchenlage*.

Sarabint, Wardens, was a word used by the Wardens of Linne in Norfolk, in a Charter in these words, *Sciunt presentes & futuri quod nos Richardus Bowghere Aldermanus, Edw. Baker, Joh. Browne, Rob. Some, & Will. Hall, Draper, Custodes sive scabini & fratres fraternitatis sive Gilde Mercatoria sanctæ Trinitatis ville Lenne Episcopi in Com. Norf. pro quadam pecunia summa inter nos præstatum Aldermanum & custodes sive scabinos, & fratres & Thomam Miller de Lenne prædictæ mercatorum concordati, tradidimus, Dimissimus & Restitimus, &c. totum illud Messuagium nostrum, &c. Dat. 20 die Apr. Anno Reg. Regis, Hen. 8. 18.*

Saltetum, An Oser Bed, or low moist place on the Banks or Eyts of a River for the growth of Oiers, Willows, or Withies. *Sax. Weliges*, old English, *Wickers*. Thence a *Wicker-Basket*, a *Wicker* or *Dorr*, made of Basket-work, &c. *Molendinum de Kertinton cum quadam particula Salicæ, quæ de meo feodo est*. Paroch. Antiquit. p. 201. *& Salices*.

♣ **Saxons**, The corruption of Saxons, a Name by which the English were formerly call'd in contempt, (as they still are by the Welsh) while they rather affected the Name of *Angles*.

♣ **Satira**, A broad Dish or Platter.—*Ubiqumq; tamen comederet, satiram habebat coram se capacissimam, quam de appofitis sibi cibis in alemoqnam informam cumulabat.* Vita Rob. Betun Epi/copi Hereford. apud Wharton Angl. Sacr. P. 2. p. 309.

♣ **Scalam**, The old way of paying into the Exchequer twenty shillings and six pence for a pound Sterling. Gervase of Tilbury reports, That K. William the First, for the better pay of his Warriors, caused the *Arms*, which till his time had for the most part been answered in Victuals, to be converted in *Pecuniam numeratam*, and directed the whole in every County to be charged on the Sheriff, to be by him brought into the Exchequer; adding, that the Sheriff should make the payment *Ad Scalam*, hoc est (as the foresaid Author expounds it) *solveret prater quamlibet numeratam libram sex denarios.* For at that time sixpence superadded made up the full weight, and near the intrinsic value. Vid. Lowndes Essay on Coin, p. 4. This was agreed upon a Medium to be the common estimate or remedy for the defective weight of Money, thereby to avoid the trouble of weighing the Money brought into the Exchequer. Vid. Hale of Sheriffs Accompts, p. 21.

♣ **Scannum caducum**, *Scannum caducum*, A Cucking-Stool, or Ducking-Stool.—*Debet mulier pro debili, i. e. mala cervisia tertia vice pati iudicium corporale, scil. in scanno caduco, & tum cervisia debet capi in manu Abbatis.*—*Consuetudines Abbatiae de Farrendon, MS. f. 22.*

♣ **Scalinga**, A Quarry or Pit for stones, or rather flates for covering Houses. Fr. *Escalliere*. Whence our *Scales*, and the *scaling* of stones.—*Communem pasturam totius moris, cum liberis hominibus meis, & unam scalingam in competenti loco ultra Hertingburn, Mon. Angl. Tom. 2. p. 130. in bosco, in plano, in pratis, in pascuis, in mustis, & scalingis, &c. ib. p. 633.* Mr. Blount in his Glossary, when he has confessed his ignorance of this word, makes or reports an unhappy comment on it.

♣ **Scandalum Bagnatum**, Is the special name of a wrong done to any high Personage of the Land, as Prelates, Dukes, Earls, Barons, and other Nobles; and also of the Chancellor, Treasurer, Clerk of the Privy-Seal, Steward of the House, Justice of one Bench or other, and other great Officers of the Realm, by false News, or horrible or false Messages, whereby debates and discords betwixt them and the Commons, or any scandal to their Persons might arise, Anno 2 R. 2. cap. 5. and hath given Name to a Writ, granted to recover damage thereupon.

♣ **Scavage**, *Scavagium*, It is otherwise called *Echevage*, *Schewage* and *Schraubing*, may be deduced from the Saxon *reapian*, *osendere*, and is a kind of Toll or Custom exacted by Mayors, Sheriffs, &c. of Merchant-strangers, for Wares shewed or offered to sale within their Precincts, which is prohibited by the Statute 19 H. 7. 8. In a Charter of Henry the Second to Canterbury it is written *Scewinga*. The City of London still retain the Custom, of which in an old Printed Book of the Customs of London, we read thus, *Of which Custom halven del appertaineth to the Sheriffs, and the other halven del to the Wodes in whole Houses the Merchants been lodgen: And it is to wote that Scavage is the Shew, by cause that Merchants kieten unto the Sheriffs Merchandises, of the which Customs ought to be taken ore that anything thereof be sold, &c.*

♣ **Schavalous**, The Officer who collected the Scavage-money, which was sometimes done with extortion and great oppression. *Ricardus Episcopus Dunelmensis consecratus Anno 1311.* Schavaldos insolentes in Episcopatu fortiter composuit. Aliqui suspendebantur, Aliqui extra Episcopatum fugabantur. Hist. Dunelm. apud Wharton Angl. Sac. P. 1. p. 756. Rex nitebatur fratrem Episcopi capere, & in vindictam Schavaldi vel Prædonis Johannis de Werdala à Servis Episcopi occisi in Insula sacra in mortem tradere, ib.

♣ **Scavenger**, From the Belgick *Scavan*, to scrape. Two of every Parish within London and the Suburbs, are yearly chosen into this Office, who hire Men called *Rakers*, and Carts to cleanse the Streets, and carry away the Dirt and Filth thereof, mentioned 14 Car. 2. cap. 2.

♣ **Schaffa**, A Sheaf, as *Schaffa sagittarum* a Sheaf of Arrows. See *Skene de verbor. Sign. eod. verbo.*

♣ **Scap**, A measure of Corn. Lat. *Scapa*, *Scaphula* from *Scapha*, a Boat, or *Skip*, or *Schiff*, *Sceppa fallis*, a quantity of Salt. Mon. Ang. Tom. 2. p. 284.—Eight Quarter and one Scap of Wheat, Paroch. Antiq. p. 604. A Basket (and Baskets were formerly the common Standards of measure) is now call'd a *Skip* or *Skep* in the South parts of England; and a Bee-hive is term'd a *Bee-skip*.

♣ **Schitopenny**, *Tributum singulo scuto impositum escuagium, scutagium, vide.*

♣ **Scharpenny**.—*Sampson dei gr. Abbas S. Edmundi & Con. salutem, &c. facta est compositio inter Nos & Burgenfes de villa S. Edmundi quod Præpositus ejusdem ville dabit singulis annis—denarios quos appellabant Repesilver, item denarios pro salidagio vaccarum ipsius ville quos nominabant Scharpenny, &c.* Cartular. S. Edmundi, MS. f. 247. From whence I think may be infer'd, that some customary Tenants were oblig'd to pen up their Cattle at Night in the Pound or Yard of the Lord, for the benefit of their Dung, or if they did not so, they paid a small compensation call'd *Scharpenny* or *Scharpenny*, i. e. *Dung-penny*, or Money in lieu of Dung. The Saxon *Seearn* signified Muck or Dung. In some parts of the North they still call *Cow dung* by the Name of *Cow-Skern*, and in *Westmoreland* a *Searny Houghs* is a nasty dirty *Dunghil-Wench*. The same Duty above-mentioned was likewise call'd *Schorn-penny*, nearer to the Original *Seearn*, *Dung*, and is thus plainly describ'd in the same old Cartulary of St. Edmundsbury in Suffolk.—*Burgenfibus ville S. Edmundi data est quitantia cujusdam consuetudinis qua dicitur Schorn-penny.*—*Solebat enim Cellarius accipere unum denarium per annum de qualibet vacca hominum ville pro exitu, (i. e. their Dung) nisi forte essent vacca Capellanorum vel Servientium Curia quas vaccas solebat imparcare.*—ib. f. 31.

♣ **Scheres**, The Commons pray that Order may be taken against the horrible Vice of Usury, then termed *Scheres*, and practised by the Clergy as well as the Laity. Rot. Parl. 14 Ric. 2.

♣ **Schepfordunga**, *Apparatus navigii*, Ship-tackle.

♣ **Scarcella**, It was especially given in charge by the Justices in Eyre, that all Juries should inquire *De his qui piscantur cum Kiddellis & Skarcellis*, Co. 2. par. Inst. fol. 38.

♣ **Scheren-silver**, *Shearing-silver*, or a payment of a small Sum of Money to the Lord by a customary Tenant for the liberty of Shearing his Sheep. In the Mannor of Berton Magna held of the Abbot and Convent of St. Edmunds in Suffolk.—*Alexander Rayson tenet unum messugium & quinq; acres terra.*—*Et si habeat bidentem vel vaccam dabit Scheren-silver sicut Rogerus de Holme.* Cartular. S. Edmundi, MS. f. 26. b. Tho' possibly it is the same with *Schar-penny*, or Money given for Dung of Beasts.

☞ *Schirens-geld*, *Schire-geld*, A Tax paid to the Sheriff for keeping the Shire or County-Court. In *Berten Magna Willielmus Filius Johannis Marchaunt tenet partem messuagii & unam acram terra—& reddit qualibet tertio anno unum den. ad Ward-silver die S. Petri ad vincula & qualibet tertio anno 1 denar.* Hundreds-geld & *Schirens-geld—temp. Ed. 1. Ex Cartular. Abbat. S. Edmundi, MS. f. 37. b.*

☞ *Scirelopte*, The like Annual Tax or Prestation paid to the Sheriff, for holding the Assizes or County-Courts.—*In solutiis pro quadam pensione vocata Scirewyte annuatim 10 sol.—Paroch. Antiquit. p. 573.*

☞ *Scogilus*, The Hilt or artificial Handle of a Sword.—*Ensis Scogilatus*, a Hilted Sword.—*Si inter aliquos diffensio consurgat, ex quo aliquis eorum gladium scogilatam evaginat, non est etiam expectandum ut percutiat. Leg. Hen. 1. cap. 83.*

Scire facias, Is a Writ Judicial, most commonly to call a Man to shew cause to the Court whence it issues, why Execution of a Judgment passed, should not be made out: This Writ is not granted until a year and a day be elapsed after a Judgment given, *Old Nat. Brev. fol. 151. Scire facias* upon a Fine lies not, but within the same time after the Fine Levied, otherwise it is the same with the Writ of *Habere facias seisinam*, *West Symbol. part 2. tit. Fines, sect. 137. and 25 Ed. 3. stat. 5. cap. 2. & 39 Eliz. cap. 7.* Other Diversities of this Writ you may find in the Table of the Register Judicial and Original. See also the *New Book of Entries, verb. Scire facias.*

Scite, 32 H. 8. cap. 20. See *Site*.

Scot, A part or portion, according to *Rassall*, is a certain Custom, or common Tallage, made to the use of the Sheriff, or his Bayliffs: *Scot* (says *Camden* out of *Mat. Westm.*) *Illud dicitur quod ex diversis rebus in unum acervum aggregatur, Anno 22 H. 8. cap. 3. Staring neither Scot, nor other Charges, &c. Et Anno 32 H. 8. cap. 9. See Doomsday & Spelman. Scot and Lot, 39 H. 8. p. 9.* signifies a customary Contribution laid upon all Subjects, according to their Ability. *Hoveden* (in the beginning *Hen. 2.*) writes it *Anlote & Aulscote*. See *Leg. Gul. Conq. cap. 125.* the same words. And *Hoveden* in *Anno 1088. Rex omne injustum scottum interdixit.—Foret Ballivus ad scotta pro reparatione & sustentatione Walliarum, &c. assessor levandum, Ordinatio Marisci Romenciensis, pag. 56.* And again, *pag. 64. Ballivus habeat pro labore suo dupla levanda que tempore suo de scottis assessor & levatis contingant.* And afterwards, *pag. 69. Tam generales scottas quam seculares aquagangior assessor ut predictum est onerabit.* And at last, *pag. 73. Statuerunt quod quilibet scottus assessor proclamaretur.* Nor are these old words grown obsolete, for who ever in like manner (though not by equal portions) are assessed to any Contribution, are generally said to pay *Scot* and *Lot*.

☞ *Scottare*, To pay *Scot*, Tax, or customary Dues. In a Charter of King Henry 1. to the Abby of *St. Edmund* in *Suffolk*.—*Et prohibeo ut Homines Sancti Edmundi & terra sua non aliter scottent quam tunc temporis fecerunt—Test. Roberto Malet apud Westm. Ex Cartular. S. Edmundi, MS. penes Joh. Epum Norwic. f. 166.*

Scotall alias *Scotale*, *Scotalla* & *scotalium*, Is a word used in the Charter of the Forest, in these words, *cap. 7. Nullus forestarius vel Bedellus faciat scotallas vel Garbas colligat vel aliquam collectionem faciat, Manwood's Forest Law, Part 1. pag. 216.* A *Scotale* is, where any Officer of the Forest keeps an Ale-house within the Forest, by colour of his Office, causing Men to come to his House, and there to spend their Money for fear of having displeasure. It is a com-

pound of *Scot* and *Ale*, which is otherwise called an *Alesot*, *Memorandum quod pradii tenentes (de Southmalling) debent de consuetudine inter eos facere footallum de 16. denar. & ob. Ita quod de singulis sex denariis, 1. denar. & ob. ad potandum cum Bedello Domini Archiepiscopi super pradii feudum, Ex vet. Consuetudinario de Southmalling in Archivis Archiep. Cant.*

☞ *Scotars*, *Schozears*, Wheels for some Carriage; they seem to have been Plough-Wheels, from *Saxon Scos*, *Shoes*, and *Erian* to Plough or Ear.—*Et in uno pari rotarum vocat. Schozears emptio ibidem vij. fol. ij. den.—Paroch. Antiquit. p. 573.*

Scrubland, A Saxon word, and is *Terra cujus proventus vestibus emendis assignati sunt.* Land allotted for buying Apparel. See the *Saxon Dictionary* hoc verbo.

Scutage, *Scutagium*; Henry the Third for his Voyage to the Holy Land, had a Tenth granted by the Clergy, and *scutage*, three Marks of every Knights Fee by the Laity, *Baker's Chron. in vita, Hen. 3.* This was also granted to Henry the Second, Richard the First, and King John. See *Kennett's Glossary* in *Scutage*.

Scutagio habendo, Was a Writ that lay for the King, or other Lord, against the Tenant that holdeth by *Knights-service*, to serve by himself, or else to send a sufficient Man in his place, or pay, &c. where the King intends to make a Warlike Expedition against the *Scots* or *French*, *F. N. B. fol. 83.* It is used in the Register Original, for him to recover *Escauge* of others, that hath either by Service or Fine performed his own to the King, *fol. 88. a.*

☞ *Scutella*, *Scotella*, From *Scutum*. Sax. *Scutel*, *Scuttle*, any thing of a flat and broad shape, like a Shield, especially a Plate or Dish, as shallow wooden Bowl or Platter is still call'd a *Scuttle*. And in *Kent*, the broader Shovel with which they turn Malt or Corn, is call'd the *Skuttle*.—*Et in duobus scotellis manualibus emptis ibidem vij. den. &c. Paroch. Antiquit. p. 574.*

Scutum Armorum, A Coat of Arms.—*Noverrint universi pro presentes me Johannem nuper uxorem Will. Leigh de Knightley Dominam & relictam heredem de Knightley dedisse, &c. Richardo Peshale filio Humfridi Peshale scutum armorum meorum. Habend. & tenend. & portand. & utend. ubicumq; voluerit sibi & heredibus suis in perpetuum; Ita quod nec ego nec aliquis alius nomine meo aliquod jus vel clameum vel calumpniam in predicto scuto habere poterimus, sed per presentes sumus exclusi in perpetuum, In cuius, &c. Dat. apud Knightley, Anno 14 H. 6.*

Scyre-gemot, Is a mere Saxon word, and signifies a Court held twice every year (as the Sheriffs Turn is now) by the Bishop of the Diocese and the *Ealdorman* (in Shires that had *Ealdormen*) and by the Bishops and Sheriffs, in such as were committed to the Sheriffs that were immediate to the King, wherein both the Ecclesiastical and Temporal Laws, were given in charge to the Country, *Selden's Titles of Honour, fol. 520.* See *Conjistory*.

Scangium, In *Doomsday* is used for Exchange, according to the Interpretation of Mr. Agar of the *Exchequer*.

Seale, *Sigillum*, Is a thing now well known, but not heretofore: For the first sealed Charter we find in England, was that of King Edward the Confessor, when he founded *Westminster-Abbey*. And Taylor in his History of *Gavelkind*, fol. 73. asserts other of the same King's Seals; *Edward the Confessor* (says he) made a Grant of some Privileges to the Church of *Hereford*, and firm'd it with a Seal, which in one of their Register Books is described to be preserved in *Panno serico*,
B b b

ferico, and a Memorandum also of the Circumscription of the said Seal, to be this, *Hoc est sigillum Regis Edwardi*. And in many places of *Doomsday Book* it is recorded, That Lands did pass to several People under the Seal of King Edward; as in *Berkshire*, under the Title of *Terra Henrici de Ferieres*; *Godricus Vicecomes tenuit de Rege Edwardo, Hanc terram dedit Rex Edwardus de sua firma Godrico, & inde viderunt sigillum ejus homines de Comitatu, prater istas hidas accepit ipse Godricus de firma Regis unam V. s. terra, de qua non viderunt sigillum Regis*; By which it appears, that the Saxons looked upon sealing as of great strength and efficacy to their validating of Deeds and Conveyances. See *Wange*. Anno 1536. *Domini etiam atq; generosi, relicti imaginibus equitum in sigillis posuerunt Arma sua in parvis scutis*. Chron. Joh. Rossi in Biblioth. Cotton of the Original use of Seals in England, and other proper Observations relating to them. See the ingenious and very serviceable Work of Mr. Nicholson, *English Library*, Part 3. p. 225.

Scire civitatis, The Scire, Ward, or Division of a City. In *Eboraco civitate T. R. E. prater scyram Archiepiscopi fuerunt sex scyre, una ex his est vastata in castellis*. Lib. Domestici.

Sealer, Sigillator, Is an Officer in Chancery appointed by the Lord Chancellor, or Lord Keeper, of the Great Seal of England, to seal the Writs and Instruments there made in his presence.

Seame, Saxon. See *Seme*.

Seane-fish, Seems to be a sort of Fish which is taken with a very great and long Net called a *Seane*.

Searcher. See *Alneger*.

Sea-rover, Anno 16 Car. 2. cap. 6. See *Pirate*.

Second deliberance, *Secunda deliberatione*, Is a Writ that lies for him, who, after a return of Cattel, replevied; Adjudged to him that distrained them, by reason of a default in the Party that replevied, for the replevying of the same Cattel again, upon security put in for the re-delivery of them in case the Distress be justified, *New Book of Entries*, verbo *Replevin* in *second deliverance*, fol. 522. See *Dyer*, fol. 41. num. 4. 5.

Second Marriage, *Secundæ Nuptiæ*, Is when after the decease of one, he marries a second Wife. This our Law terms *Bigamus*, and had so little favour too, that it admitted not such to holy Orders.

Secretarius, A *Secretis*, a Secretary. The word formerly signified any Confidential, Favourite, or Intimado. *Cuncta denique agenda sua ad nutum unius Secretarii sui passim committere*. Paroch. Antiquit. p. 388. The Title is now only given to him that is *ab Epistolis*, & *scriptis secretis*. As the two Secretaries of State, &c.

Secta, A Suit of Cloaths. *Ad Sectam de Secta*, according to such a suit or sort. As the Religious in the greater Convents gave Liveries *ad diversas sectas*, of different suits or kinds, according to the condition and office of those who received and wore their Livery. *Henricus Prior Elien. & Conv. Noveritis nos concessisse Joh. Brewode annuatim unam robam pro seipso de secta Armerigerorum, & aliam de secta Valetorum pro famulo suo*. Dat. 14 Decemb. 16 Hen. 4. Cartular. Eccl. Elien. MS. f. 82.

Secta Curie, Suit and Service done by Tenants at the Court of their Lord. *Homines de Hedingdon facient sectam curie Domini sex septimanis, & si Breve Domini Regis in dicta curia attachietur, tunc sectam illam facient de tribus septimanis in tres septimanas*. Paroch. Antiquit. p. 320.

Secta ad Curiam, Is a Writ that lies against him who refuses to perform his Suit either to the County or Court Baron, F. N. B. fol. 158.

Secta facienda per illam quæ habet anticiam par-

tem, Is a Writ to compel the Heir that hath the elders part of the Co-heirs to perform Service for all the Coparceners, *Reg. Orig. fol. 177*.

Secta Molendini, Is a Writ lying against him that was wont to grind at the Mill of B, and after goes to another Mill with his Corn, *Reg. Orig. fol. 153. F. N. B. fol. 122*. But it seems by him, that this Writ lies especially for the Lord against his Franktenement, who held of him by making suit to his Mill. See the *New Book of Entries* on this word *Secta ad molendinum*, and *Assises of Nuisance* are at present much turned into *Trespasmes* and *Actions* upon the Case. See *Baldwinus ad titulum de servitutibus prediorum in Insult*.

Sectam proferre, *Est testimonium legalium hominum qui contractu inter eos habito interfuerint presentes producere*, *Fleta*, lib. 2. cap. 63. sect. Nullus, and *secta* is used for a Witness, *Id. lib. 4. cap. 16. sect. final. Habes tamen sectam unam vel plures*, &c.

Secta ad justitiam faciendam, Is a Service which a Man is bound to perform by his Service, *Bracton*, lib. 2. cap. 16. num. 6.

Secta unica tantum facienda pro pluribus hereditatibus, Is a Writ that lies for that Heir that is distrained by the Lord to more Suits than one, in respect of the Land of divers Heirs descended unto him, *Reg. Orig. fol. 177. a*.

Secta Shirarum, Per *sectam shirarum* clamat esse quiet, de *secta in Corn. Cestria & Flint coram Justic. Domini Principis in communi aula Placitorum*, *Plac. in Itin. apud Cestriam*, 14 H. 7. See *Kennett's Glossary* in *Secta Shirarum & hundredorum*.

Sectis non faciendis, Is a Writ that lies for a Woman, who, for her Dower, ought not to perform suit of Court, *Reg. Orig. fol. 174*. It lay also for one in Wardship, to be freed of all suits of Court during his Wardship, *Reg. Orig. fol. 173*. but see 12 Car. 2. cap. 24.

Secunda superoneratione pasturæ, Is a Writ that lies where admeasurement of Pasture hath been made; and he that first surcharged the Common, doth again surcharge it, notwithstanding the Admeasurement, *Reg. Orig. fol. 157. Old Nat. Brev. fol. 73*.

Secundary, Secundarius, That Officer who is the second, or next to the chief Officer; as the *secundary* of the Fine-Office: The *secundary* of the Compters, who is next to the Sheriff of London in each of the two Compters; *secundary* of the Office of the Privy-Seal, Anno 1 E. 4. cap. 1. *Secundaries* of the Pipe two: *Secundary* to the Remembrancers, which are two Officers in the Exchequer, *Camd. p. 113*.

Securitate inveniendi quod se non divertat ad partes externas sine licentia Regis, Is a Writ that lies for the King against any of his Subjects, to stay them from going out of his Kingdom; The ground of which is, That every Man is bound to serve and defend the Common-wealth, as the King shall think meet, F. N. B. fol. 85.

Securitate pacis, Is a Writ that lies for one who is threatned Death or Danger, against him that so threatneth, and is taken out of the Chancery, and directed to the Sheriff; the form and farther use whereof, you may see in *Reg. Orig. fol. 88. and Fitz. Nat. Brev. fol. 79*.

Seed-cod, A Basket, or other Vessel of Wood carried upon one arm of the Husbandman, to bear the seed or grain, which he sows with the other hand. From Sax. *Sad*, Seed, and *Codde*, a Purse or such like Continent. Hence *Codd* in *Westmoreland* is a Bolster or Pillow, and in other Northern Parts a Cushion, as a *Pin-cod*, i. e. a Pin-cushion. A *Horse-cod*, i. e. a Horse-collar to guard his Neck. The *Cod* of a Man or Beast, a *Cod-piece*, a *Peascod*, &c. — Pro

uno Seed-cod empto iv d. Paroch. Antiquit. p. 549. See Kennet's Glossary in Seed-cod.

Se defendendo, Is a Plea for him that is charged with the death of another, saying, He was necessitated to do that which he did in his own Defence: The other fo assaulting him, That if he had not done as he did, he must have been in hazard of his own life: But this danger ought to be so great, that it seems inevitable, *Stamf. Pl. Cor. lib. 1. cap. 7.* And though he justifie it to be done in his own defence, yet he is driven to procure his Pardon of course from the Lord Chancellor, and forfeits his Goods to the King, according to the same Author.

Seignior, Dominus, Is borrowed of the French *Seigneur*, and denotes in the general signification as much as Lord; but particularly it is used for the Lord of the Fee, or of a Mannor, even as *Dominus* or *Senior* among the *Feudists* is he who grants a Fee, or Benefit, out of the Land to another: And the reason is, as *Hotoman* saith, because having granted the use and profit of the Land to another; yet the Property, that is, *Dominium*, he still retains in himself. See *Hotoman in verbis feudali*, verb. *Dominus* & *senior*.

Seignior in gross, Seemeth to be one that is a Lord, but of no Mannor, and therefore can keep no Court, *F. N. B. fol. 3.*

Seigniorage, *9 H. 5. stat. 2. cap. 1.* Seems to be a Royalty or Prerogative of the King, whereby he challengeth allowance of Gold and Silver brought in the masse to his Exchange for Coin. By *Seigniorage* or Royalty out of every pound weight of Gold, the King had for his Coin five shillings, out of which he paid to the Master of the Mint for his Work sometimes one shilling, sometimes eighteen pence. Upon every pound weight of silver, the *Seigniorage* or Coinage answered to the King in the time of *K. Ed. 3.* was eighteen penny weight *pondere*, which about that time amounted to one shilling, out of which he paid sometimes eight pence, sometimes nine pence to the Master. In the time of *Hen. 5.* the King's *Seigniorage* of every pound weight of silver was fifteen pence. *Vid. Hale of Sheriffs Accompts, p. 3.*

Seignory, Dominium, Is borrowed from the French *Seigneurie*, 1. *dominatus, imperium, principatus*; and signifies with us a Mannor or Lordship, *Seignory de Sokenmans*, *Kitch. fol. 80.* *Seignory in gross*, which seems to be the Title of him who is not Lord by means of any Mannor, but immediately in his own Person, as *Tenure in Capite*, whereby one holds of the King as of his Crown, is *seignory in gross*, *Kitchin, fol. 206.* See *Seignior*.

Seisin, Seisina, From the French *Seisine, possessio*: So *primer seisin* is the first Possession, and to *seise*, is to take Possession. See *Primer seisin*, of the French word *Seisir*, is made the Latin *seisire* used both by the *Canonists* and *Civilians*; *Seisin* according to the Common Law is twofold, *seisin in Fact*, and *seisin in Law*, *Perkins Dower, 369, 370.* *Seisin in Fact* is, when a corporal Possession is taken; *Seisin in Law*, when something is done, which the Law accounteth a *seisin*, as an Inrolment: And this *seisin in Law* is as much as a right to Lands and Tenements, tho' the Owner be by wrong dispossessed of them, *Perkins Tenant per le curtesie, 457, 458.* And it seems by *Ingham*, That he who hath had an hours possession quietly taken, hath *seisin de droit* & *de claime*, whereof no Man may dispossesse him by his own force or subtilty, but must be driven to his Action, *señt. Brieve de Novel Disseisin. Coke, lib. 4. fol. 9.* calls it *seisin in Law*, or *Actual seisin*. The *Civilians* call the one *Civilem possessionem*, the other *Naturalem*.

Seisina habenda, quia *Rex habuit annum. nem q. Radum*, Is a Writ that lies for delivery of *seisin* to the

Lord of his Lands or Tenements, after the King, in the right of his Prerogative, hath had the year, day and waste, *Regist. Orig. fol. 165.*

Selso, Selsonis, Season, or stated time.—*Debet operari in qualibet septimana, a Festo S. Michaelis usq; ad gulam Augusti quolibet die operabili unum opus, pretium operis ob. quadr. &c. a Festo S. Petri ad vincula usq; ad Festum S. Michaelis unum opus in quolibet die operabili 1. den. ob. excepto tempore hyemali.* Extent. *Manerii de Garinges in Spelman*, who leaves the word unexplained.

Selda, May be deduced from the Saxon *Seloe*, seat or stool. *Affisa mensurarum, Anno 9 Rich. 1. apud Hoveden.*—*Prohibemus ne quis mercator pretendat seldæ sue rubros pannos vel nigros vel scuta vel aliqua alia, per qua visus emptorum sape decipiuntur, ad bonum pannum eligendum.* In *Majoribus Chronicis* ubi locus hic vertitur. *Spelman* says, *Selda* is expounded for a *window*: It signifies also a shop, shed, or stall, *Sciunt, &c. quod ego Thomas Pencombe de Bromyard dedi, &c. Thomæ Forjnet vicario Ecclesiæ de Bromyard præd. unam seldam meam jacentem in Bromyard præd. &c. Dat. &c. Anno 10 H. 6.*—*Et medietatem unius seldæ vocat. Le Unicorn in London. Mon. Ang. 2. par. fol. 322.* *Selda* also signifies a Wood of Sallows, Willows, and Withyes, *Co. on Lit. fol. 4.*

Selson of Land, Sello terra, May be derived from the French *Seillon*; ground rising between two Furrows, in Latin *Porca*, in English a ridge of Land, and contains no certain quantity, but sometimes more, and sometimes less: Therefore *Crompton* in his *Jurisdiction of Courts*, fol. 221. saith, That a *Selson of Land* cannot be demanded, because it is a thing uncertain: It may not without some probability be deduced from the Saxon *Sul* or *ysl*, i. *aratum*; whence also the French *Seillonner*, id est, *arare*, to Plough. See *Kennet's Glossary in Sello*.

Seme, Summa, A Horse-load; A seme of Corn is eight Bushels.—*Frates Predicator. (Heref) pro 2. summagis vocat. Semea, de focali percipiend. quotidie de bosco de Heywood pro termino 20. annorum, 3 H. 5. part 2. m. 18.* See *Sumage*—*Habebunt etiam duas summas frumenti, pro pastellis, cum voluerint faciendo.* *Mon. Ang. 2. par. fol. 935.* Et sint quieti de summagis & murdro, & Tennigis, & Wajentake, & Auxillis Vice-comitum, *Ibid. fol. 201.*

Seminarium, A Seed-Leap.—*In corballis & seminariis emptis iv. den. ob. in tribulis & lignibus emptis vij. den. Consuetud. Domus de Farendon. MS. f. 12.*

Sendal, *Anno 2 Rich. 2. cap. 1.* Seems to be fine Linnen; but *sandal* is a kind of Physical Wood brought from the Indies.

Senegge, There goes out yearly in Proxege and Senegge 33 s. 6 d. Perhaps *senegge* may be Money paid for Synodals, as *Proxege* for Proxies or Procurations.

Seneshal, Seneschallus, Is a French word, but borrowed from Germany, being derived from *Stein*, a House or Place, and *Schal*, *servus*; We English it a Steward, and so doth *Co. on Lit. fol. 61.*

As the high *Seneshal* or Steward of England, *Stamf. Pl. cor. fol. 152.* High *Seneshal* or Steward, and *South Seneshal* or Under-Steward, *Kitchin, fol. 83.* is understood of the Stewards or Under-Stewards of Courts; *Seneshal de l'hostell de Roy*, Steward of the King's Household, *Crompt. Jurisd. fol. 102.* See 25 Ed. 3. stat. 5. cap. 21. In Purificatione Beate Mariæ, fuit filius Regis Anglorum Parisius & servavit Regi Francorum ad mensam ut *Seneschallus Franciæ*, *Rob. de Monte in Anno 1170. pag. 649.* See *Kennet's Glossary*.

Senescallo & *Wardeshallo* quod non tenent placita de libero tenemento, &c. Is a Writ directed to the Steward

Steward or Marshal of England, inhibiting them to take Cognizance of any Action in their Court that concerns either Freehold, Debt or Covenant, Reg. Orig. fol. 185, 191.

Seny-days, Play-days, or times of Pleasure and Diversion.—*Dies recreationis vocati Anglice Seny-days pefuntur à Residentiariis Ecclesie Ebor. verbis Gallicis.*—*Moy honorables Seirs, Je an cet temps vous emprise donez meiz gores de Seney coment eguunt glia este accoustume à faire à un Canon Residentiar.*—Regist. Eccl. Ebor. anno 1562.

Sene alias **Sene**, **Sena**, Is a Medicinal Herb, the use and virtues whereof you may read in Gerard's Herbal, lib. 3. cap. 8. This is mentioned among other Drugs and Spices to be garbled, Anno 1. Jac. cap. 19.

Sensa,—*Willielmus de Braosa dedit Regi obtingentat marcas, tres dextrarios, quinque chacuros, viginti quatuor sensas, & decem Ceporarios*, Cart. 7. Joh. I don't know whither any Writer has mention'd this word but Mr. Blount, and he confesses his ignorance of the meaning of it. I take them to be the more flow and sure-scenting small Hounds or Beagles.

Seneucia, **Widowhood**, If a Widow, having Dower after the Death of her Husband shall marry *vel filium, vel filiam* in Seneucia peperit, he shall forfeit and lose her Dower in what place soever, in Kent Tenen. in Gavetkind, Plac. Trin. 17 E. 3.

Separia, **Separaria**, A several, or divided into Enclosure, sever'd or separated from other ground.—*Placia quæ jacet juxta separiam Prioris & Conventus de Burnesfey*. Paroch. Antiquit. p. 336.

Separation, **Separatio**, Is the living asunder of Man and Wife. See **Malier**.

Sepilver, **Seepilver**, Among the Customs of the Mannor of Cakesfield, belonging to the Abby of St. Edmund in Suffolk.—*Custumarius debet scindere & cratare quatuor carestas focalis apud Sanctum Edmundum ad eandem firmam pro tribus operibus*—& dabit Seepilver videlicet pro quinque capitibus unum denarium & quædams erit de uno opere pro Sepilver. Cartular. S. Edmundi, MS. f. 388.

Septum, An Inclosure, a Close, and is so called, because it is encompassed *cum sepe & fossa*, with a Hedge and a Ditch, or at least with a Hedge.

Septuagesima, Mentioned *Westm.* 1. cap. 51. Is always the third Sunday before **Quadragesima** exclusive, from which, until the **Ostaves** after Easter, the solemnizing of Marriage is forbidden by the Canon Law. It is called **Septuagesima**, as being above seventy days before Easter, as **Sexagesima** and **Quinquagesima**, because the first is accounted sixty, the latter fifty days before the same Feast, and are days appointed by the Church to acts of Penance and Mortification, and are preparative to the devotion of **Lent** then approaching. See **Quinquagesima**.

Sepulchre, **Sepulchrum**, Is the place where any dead Body lies Interred; but a Monument is a place where something is set up for the Memorial of the deceased, though the Corps lie not there.

Sequit, To prefer an Action, and prosecute a Suit or Cause, as Attorney or Proctor in a Court of Justice. *Qui sequitur pro Rege*, The King's Attorney.

Sequela cause, The Process, and depending issue of a Cause or Trial.

Sequela Villanorum, All the Retinue and Appertinences to the Goods and Chattels of servile Tenants, which were at the Arbitrary and Absolute disposal of the Lord.—*William de Lanfpe* confirmed to the Priory of **Burcester** their Lands in **Wrethwick**.

Cum Villariis & eorum sequelis & catallis.—*Villanos cum villanagiis omnibus catallis & tota sequela ipsorum.*—Paroch. Antiquit. p. 216, 288.

Sequela molendini, The owing suit to a particular Mill, or being bound to grind Corn in that only place; which was a Duty and Service laid upon many Tenents. *Concedere sequelam molendini*, was to grant all the Toll and Profits arising from such Customary Rights.

Sequatur sub suo periculo, Is a Writ that lies where a Summons *ad Warrantandum* is awarded, and the Sheriff returns, That he hath nothing whereby he may be summoned; then goes out an **Alias** and **Pluries**, and if he come not at the **Pluries**, then goes out this Writ, *Old Nat. Brev. fol. 163. Co. on Lit. fol. 101.*

Sequela Curie, Suit of Court.—*Et quod sint liberi à Sequela Curie*, *Mon. Ang. 2. par. fol. 253.*

Sequester, Is a term used in the Civil Law for renouncing, as when a Widow comes into Court, and disclaims to have any thing to do, or to intermeddle with her Husband's Estate who is deceased; she is said to **Sequester**.

Sequestration, **Sequestratio**, Is the separating of a thing in controverfie from the possession of both those that contend for it: And it is of two kinds, **Voluntary** or **Necessary**; **Voluntary**, is that which is done by consent of each Party: **Necessary**, is that which the Judge doth of his Authority, whether the Parties will or not. It is used also for the act of the Ordinary, disposing the Goods and Chattels of one deceased, whose Estate no Man will meddle with, *Dyer, fol. 232. num. 5. & fol. 256. num. 8. & fol. 260. num. 42. & fol. 271. num. 26.* As also for the gathering the Fruits of a Benefice void, to the use of the next Incumbent, *28 H. 8. cap. 11. Portescue, cap. 50.* and in divers other Cases. See **Kennett's Glossary** in **Sequestrare**.

Sequestro habendo, Is a Writ Judicial, for the dissolving a Sequestration of the Fruits of a Benefice made by a Bishop at the King's Command, thereby to compel the Parson to appear at the Suit of another; for the Parson upon his appearance may have this Writ for the discharge of the Sequestration, *Reg. Judic. fol. 36.*

Sergeant, **Serviens**, Cometh of the French **Sergeant**, i. **satelles**, a Man of the Guard, so called, because he was *sape accitus ad res necessarias in exercitu peragendas*, so **Calepine**. But *Skene de verbor. Signif. verb.* Sergeant, saith, It is, *vox composita de ferrer, quod est includere & Gent, quod pro gente, plebe vel populo usurpatur.* This word is diversely used in our Law, and applied to sundry Offices and Callings. First, a **Sergeant at Law** (or of the Coyf) is the highest degree taken in that Profession, as that of a Doctor is in the Civil Law. And to these, as Men best learned, and most experienced of all others, one Court is set apart for them to plead in by themselves, which is the Court of **Common-Pleas**, where the Common Law of England is most strictly observed; and tho' they have this Court to themselves, yet are they not restrained from pleading in any other Courts, where the Judges (who cannot have that Honour, till they have taken the degree of **Sergeant at Law**,) call them **Brothers**, and hear them with great respect next to the King's Attorney and Solicitor-General. These are made by the King's Mandate, or Writ, directed unto them, commanding them, upon a great penalty, to take upon them that degree by a day certain therein assigned; *Dyer, fol. 72. num. 1.* See **Court**. And of these is the King's Sergeant, being chosen commonly out of the rest, in respect of his great Learning, to plead for him in all Causes, especially in those of Treason, *Stamf. Pl. Cor. lib. 3. cap. 1.* And of these there may be more, if it please the King. This, in other Kingdoms, is called **Advocatus Regius**, *Cassan.*

de confect. Burgund, pag. 850. With what Solemnity these Sergeants be created, read *Fortescue*, cap. 50. *Cra. 3. par. fol. 1.* and 2 *Inst. fol. 213.* These were called anciently *Servientes Narratores*. *Et pradius Thomas le Marefchall dicit quod ipse est communis Serviens Narrator coram Justitiis. Et alibi ubi melius ad hoc conduci poterit, &c.* Trin. 25. E. 1. coram Rege Oxon. 22. This word Sergeant is used in Britton for an Officer belonging to the County, and the same which Brañon in his Fifth Book, cap. 4. num. 2. calls *Servientem Hundredi*, and is in truth no other than the Bayliff of the Hundred; And the Steward of a Mannor is called *Serviens Manerii*, *Coke*, vol. 4. *Copyhold Cases*, fol. 21. a. Then the next is a Sergeant at Arms, *Serviens ad Arma*, whose Office is to attend the Person of the King, Anno 7 H. 7. cap. 3. to Arrest Traytors, or Persons of Quality offending, and to attend the Lord High Steward of England sitting in Judgment upon any Traytor, and such like, *Pl. Cor. lib. 3. cap. 1.* Of these by the Statute 13 Rich. 2. cap. 6. There may not be above thirty in the Realm: Two of these, by the King's Allowance, attend on the two Houses of Parliament; The Office of him in the House of Commons is the keeping of the Doors, and the Execution of such Commands especially touching the Apprehension of any Offender, as that House shall enjoin him, *Cromp. Jurisd. fol. 9.* Another of them attends on the Lord Chancellor, or Lord Keeper, in the Chancery; and one on the Lord High Treasurer of England: One attendeth upon the Lord President of Wales, and another upon the Lord President of the North. Another sort of Sergeants are chief Officers, who execute several Functions in the King's Household, of which you may read many in the Statute 33 H. 8. cap. 12. There is also a more inferior kind of Sergeants of the Mace, whereof there is a Troop in the City of London, and other Corporate Towns, that attend the Mayor, or other chief Officer, both for menial Attendance, and chiefly for Matters of Justice. These are called *Servientes ad Clavam*, *New Book of Entries*, verb. *Scire facias in Mainpurnors*, cap. 3. fol. 538.

Sergeants of Peace.—*Et etiam habere ibidem (i. Dunham) sex servientes qui vocantur, Sergeants of Peace qui servant Cur. Manerii & facient Attach. & executiones omnium Placitorum & querelarum in dicta Curia Placitorum, &c.* Pl. de Quo Warranto apud Cestriam, 31 Ed. 3.

Servient, Servientia, Signifies in Law a Service that cannot be due to any Lord from his Tenant, but to the King only; and this is either Grand or Petit: The first is, where one holds Land of the King by Service, which he ought to do in his own Person. *Petit sergeanty* is, where a Man holds Land of the King, to yield him yearly some small thing towards his Wars, of which read Brañon, lib. 2. cap. 16. & 37. & Britton, cap. 66. num. 1. 2. *Inter feodalia servitia summum est & illustrissimum, quod nec Patronum aliquem agnoscit præter Regem*, says the Learned Spelman. And Camden, tit. Suffolk, speaks of Baldwin le Petour qui tenuit terras in Henningston in Com. Suffolk per serjantiam, pro qua debuit facere die natali Domini singulis annis coram Domino Regi Anglie, Saltum, Suffum & Pettum, alias unum saltum, unum suffum, & unum bombulum. And Sir Richard Rockefly held Lands at Seron by Sergeanty, to be *Vantrarius Regis*, The King's Forefootman when he went into Gascoigne Donec perussus fuit pari soluturam precii 4d. until he had worn out a pair of Shoes of four pence price. This Service being to be performed when the King went to Gascoigne to make War is *Knights-service*, Co. on Lit. fol. 69. See the Stat. 12 Car. 2. cap. 24. whereby all Tenures, &c. are turned into free and common So-

cage; but the Honorary Services of Grand Sergeanty are therein excepted. See *Shane de verbor. Signif.* and *Kennett's Glossary*.

Sermonium, An Interlude or Play acted by interlocutory Persons. Before the Modern improvements of the Stage, these ruder sort of Farces were even a part of the Unreformed Religion. The inferior Orders of the Clergy, assisted by Boys and Children, used to act over some Historical Comedy in the Body of the Church, suitable to the solemnity of some high Procession day.—Anno Dom. 1483. 7 die Junii. Decanus Lincoln cum confratribus suis de processione Sanctæ Annæ in proximo Festo ejusdem futuro per civis Linc. fienda, communicantes una decreverunt quod illud ludum sive sermonium de assumptione sive coronatione beate Mariæ erga dictum Festum de novo reparatum & preparatum habere voluerunt, ac ludificationem & ostensionem in processione prædicta prout consuetum fuerat in navi dictæ Ecclesiæ. Collectan. Rev. Viri Matth. Hutton, S. T. P. Ex Registris Ecclesiæ Lincoln. MSS.

Servage, Anno 1 R. 2. cap. 26. See *Service*.

Service, *Servitium*, Is that Service which the Tenant, by reason of his Fee, oweth unto his Lord. *Hottoman* thus defines it, *Servitium est manus obsequii clientelaris*, De verbis Feudal. It is sometime called *Servage*, as 1 R. 2. cap. 6. Our ancient Law Books make many Divisions of it, as Brañon, lib. 2. cap. 16. And Britton, cap. 66. into Personal and Real, also into Military and Base, and Brañon, ubi supra, num. 7. into intrinsic and extrinsic, *servitium intrinsecum* is due to the Capital Lord of the Mannor: *forinsecum* is that which is due to the King, and not to the Capital Lord. *Service* is also divided into *Frank and Base*, the one termed *liberum servitium*, the other *Villenagium*. It is also divided into continual or annual, and casual or accidental; the former is the feisin of Rent, the other feisin of Relief, Co. 4. Rep. fol. 9. *Bevill's Case*. See *Copyhold*. See *Socage*. *Thomas Leigh Esq.* at the Coronation of King Charles the Second, brought up to the King's Table a Mess of Potage called *Dillogrout*, which Service had been adjudged him by the Court of Claims in right of the Mannor of *Addington* in *Surry*; whereupon the Lord High Chamberlain presented him to the King, who accepted the service, and afterwards knighted him.

Servi, Bond-men, or servile Tenants. Our Northern *Servi* had always a much easier condition than the Roman Slaves.—*Servi non in nostrum morem descriptis per familiam Ministeriis utuntur. Suam quisque sedem, suos penates regit. Præmentum modum Dominus, aut Pecoris, aut Vestis, colono injungit, & Servus hærens paret. Tacitus de Moribus Germanorum.* Which plainly describes the condition of our Saxon and Norman Servants, Natives, and Villains; whose servitude did more respect their tenure, than their Persons. No Author to my knowledge has fixt the distinction between *Servus* and *Villanus*, though undoubtedly their servile state was different; For they are all along in the *Domesday Book* distinguish'd from each other. So in *Burcester* there were—*quinque Servi, & viginti octo Villani*, &c. I suppose the *Servi* were those, whom our Lawyers have since call'd *Pure Villanes*, and *Villanes in gross*, who without any determin'd tenure of Land, were at the arbitrary pleasure of the Lord appointed to such servile works, and receiv'd their wages or maintenance at discretion of the Lord. The other were of a superior degree, and were call'd *Villani*, because they were *Ville & glebe adscripti*, i. e. held some Cottage and Lands, for which they were burdened with such stated servile Offices, and were convey'd as a pertinence of the Mannor or Estate to which they belong'd. See *Kennett's Glossary*.

Servientibus, Are certain Writs touching Servants and their Masters, violating the Statutes made against their Abuses, which see in *Reg. Orig. fol. 189, 190, 191.*

Servitæ secular, Anno 1 E. 4. cap. 1. Is Worldly service, contrary to Spiritual and Ecclesiastical.

Servitium ferrandi, The service of shoeing Horses. See *Palfrey*.

Servitium Regale, Royal Service, or the Rights and Prerogatives that within such a Mannor belong to the King if Lord of it, which were generally reckon'd to be these six, 1. Power of Judicature in matters of Property. 2. Power of Life and Death in Felonies and Murders. 3. A Right in Waifs and Strays. 4. Assessments. 5. Mintage of Money. 6. Affize of Bread, Beer, Weights and Measures. All these entire Priviledges were annex'd to some Mannors in their grant from the King, and were sometimes convey'd in the Charters of Donation to Religious Houses. — *Ecclesia Sancti Georgii data fuit Fratribus Osen. q̄ habet ibidem visum Franciplegii q̄ totum Regale servitium.* Paroch. Antiquit. p. 60.

Servitilis acquietandis, Is a Writ Judicial, that lies for one distrained for Services to F, who owes and performs to R. for the acquital of such services, *Reg. Judic. fol. 27. q̄ 36.*

Servitors of Bills, Are such Servants or Messengers of the Marshal belonging to the King's Bench, as were sent abroad with Bills or Writs to summon Men to that Court; they are now more ordinary called *Tiplaves*, Anno 2. H. 4. cap. 23.

Sessio of Parliament, The passing any Bills, by giving the Royal Assent thereto, doth not make a Session; but the Session of Parliament continues till it be prorogued or dissolved. See 4. par. Infl. fol. 27. *Sessio Parliamenti*, is the sitting of the Parliament.

Sessions, Sessones, Is a sitting of Justices in Court upon Commission, as the Sessions of Oyer and Terminer, Pl. Cor. fol. 67. *Quarter-Sessions*, otherwise called the *General-Sessions*, 5 Eliz. 4. or *Open-Sessions*, *ibid.* Opposite, whereto are *especial*, otherwise called *Privy-Sessions*, which are procured upon some special occasion, for the more speedy dispatch of Justice in some, *Crompt. Just. of Peace*, fol. 110. What things be inquirable in Sessions, see *ibid.* fol. 109. *Petit-Sessions* or *Statute-Sessions*, are kept by the High-Constable of every Hundred for the placing of Servants, 5 Eliz. 4. See *Statute-Sessions*.

Sessur, 25 E. 3. 6. Seems to signifie the assessing or rating of Wages.

Sentuetum, A Land full of Brambles.

Ser Clothes, Are mentioned in the Statute made Anno 27 H. 8. cap. 13. which see.

Sertwell, Valeriana, Is a Medicinal Herb; the nature and divers kinds whereof you have in *Gerard's Herbal*, lib. 2. cap. 424. The root of this is mentioned among Drugs to be garbled, 1 Jac. 19.

Severance, Is the singling or severing of Two, or more, that are joined in one Writ. For example, if two join in a Writ *de libertate probanda*, and the one afterward be Non-suit, here severance is permitted; so that notwithstanding the Non-suit of the one, the other may severally proceed, F. N. B. fol. 78. and Bro. tit. *Severance and summons*, fol. 228. There is also severance of the Tenants in an Affize, when as one or two, or more Disseisors, appear upon the Writ, and not the other, *New Book of Entries*, fol. 81. And severance in Attaints, *Ibid.* fol. 95. And severance in Debt, where two, or more, Executors are named Plaintiffs, and the one refuses to prosecute, *Ibid.* fol. 220. Severance of Corn, is the cutting and carrying it off from the Ground, and sometimes the setting out the Tythe from the rest of the Corn is called

Severance. See *Cro. Rep. 2. par. fol. 225.* There is also severance in *Quare Impedit*, Co. Rep. 5. fol. 97.

Several taylor, Tallium separatim, Is that whereby Land is given and entailed severally to Two. For example, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten; the Doones have joint Estate for their two Lives, and yet they have several Inheritance, because the Issue of the one shall have his moiety, and the Issue of the other the other moiety.

Several tenancy, Tenura separatis, Is a Plea or Exception taken to a Writ that is laid against two as joint, which are several, Broke, tit. *Several tenancy*, fol. 273.

Sevantly woven, That is, well and honestly woven, Anno 35 Eliz. cap. 10.

Sewer, Severa q̄; sewera, Et fossa in locis Palustribus ducta ad aquas ejiciendas, &c. A Passage or Gutter to carry water into the Sea, or a River, 6 H. 6. cap. 5. and 12 Car. 2. cap. 6. And Commissioners of Sewers are such as, by Authority under the Great Seal, see Drains and Ditches well kept and maintained in marshy and fenny Countries, for the better conveyance of the Water into the Sea, and preserving Grass upon the Land for the feeding of Cattel. See the Statutes 15 Car. 2. cap. 17. and 17 Car. 2. cap. 11. touching the draining the great Level in the Fens called Bedford Level, and the Authority of the Governor, Bayliff, &c. as Commissioners of Sewers.

Sextagesima. See *Septuagesima*.

Sextary, Sextarius, Was an ancient Measure, containing about our Pint and a half (according to our Latin Dictionary). The Town of Leicester paid among other things to the King yearly, twenty five Measures called *Sextaries of Honey*, as we read in *Doomsday*. And in *Clauſ. 4 E. 3. m. 26.* We find *Tresdecem sextarios vini.* — *Et unum sextarium salis apud Wainſlete*, Mon. Ang. 2. par. fol. 489. A sextary of Ale contained sixteen Lagenas. See *Tolceſter*.

Sexto-onis, Due time or Season. — *Tenentes terram in campis S. Edmundi debent unum rotam arare debet arari medietas ad seysionem yemalem q̄ alia medietas ad seysionem estivalem.* Cartular. S. Edmundi, MS. f. 321.

Shacke, Is a Custom in Norfolk to have Common for Hogs from the end of Harveſt till Seed-time, in all mens Grounds without contradiction, Co. 7. Rep. fol. 5. *Corbet's Case*: And in that County, *To go at ſhackle*, is as much as to go at large.

Shanke. See *Furze*.

Shares. See *Plotzon*.

Sharping Corn, Is a customary Gift of Corn, which, at every *Christmas*, the Farmers in some parts of England give to their Smith, for sharpening their Plough-Irons, Harrow-tines, and such like, and exceeds not half a Bushel for a Plough-Land.

Shamella, Scamella, Shambles, or Stalls to sell Meat, &c. Prior de *Tynemuth* habet mercatum apud *Tinemute* q̄ habet ibidem tumberellum, *Shamellas conductivas ad carnifices q̄ alios, q̄ capit ibidem emendas panis q̄ cervisia.* Placit. Parl. 18 Ed. 1.

Shedding, A Riding, Tithing, or Division in the Isle of Man, where the whole Island is divided into six *Sheddings*, in each of which there is a *Coyner* or chief Constable appointed by delivery of a Rod at the *Timewald Court*, or annual Convention. See Mr. King's description of the Isle of Man, p. 17.

Sherbet, Is a compound Drink, late brought into England from Turkey and Persia, and is made of juice of Lemons, Sugar, and other Ingredients, &c. *Sherbet* in the Persian Tongue signifies Pleasant Liquor, 15 Car. 3. cap. 11.

Shermans craft, Is an Art used at Norwich; the Artificers

Artificers whereof do sheere as well Worsheds, Staminis, and Fullians, as all other woollen Cloth. It is mentioned Anno 19 H. 7. cap. 17.

Shreling. Is to be quit of Attachments in any Court, and before whomsoever in Plaints shewed, and not avowed. See Scavage.

Shilling. (In Saxon reilling) among our English Saxons consisted but of five pence, *Si in capillis sit valens longitudinis unius uncia V. denarii i. uno solido componatur*, Leg. H. 1. cap. 39.

Ship-money. Was an ancient Imposition that had lain Dormant many years, and was charged upon the Ports, Towns, Cities, Boroughs and Counties of this Realm; which was revived by King Charles the First in 1635. and 1636. and by Stat. 17 Car. 1. cap. 14. was declared to be contrary to the Laws and Statutes of this Realm, &c.

Shipper. Is a Dutch word signifying the Master of a Ship, Anno 1 Jac. Sess. 1. cap. 33. We commonly say Skipper, and use it for any common Seaman.

Shire, Comitatus. Derived from the Saxon *Scyran*, i. *partiri*, is well known to be a portion of Land called a County; Who first divided this Land into Shires, see in Camden's Brit. pag. 102. Of which there are in England forty, and in Wales twelve, in all fifty two. In *Privilegiarium chartis* (says Spelman) ubi conceditur quietum esse à shiris, intelligendum est de immunitate, qua quis eximitur à sella vel clientela curis Vice-comitum (quos etiam shiras vocant) prestanda vel perficienda. The Assizes of the Shire was by the Saxons of old called *Scire-gemot*.

Shireff. Or as vulgarly Sheriff, *Vice-comes*, is the chief Officer of the King in his Shire or County. Camden in his Brit. pag. 104. describes his Office in this manner,

Singulis vero, nobilibus aliquis ex incolis preficitur, quem Vicecomitem, quasi vicarium Comitatus, & nostra Lingua Shireffe, i. Comitatus prepositum vocamus; qui etiam Comitatus vel Provincia Quæstor recte dici potest: Ejus enim est publicas provincie sue pecunias conquirere, multas irrogatas, vel pignorum ablati colligere & arario inferre, Judicibus presto adesse & eorum mandata exequi, duodecim viros cogere qui in causis de facto cognoscunt & ad Judices referunt (Judices enim apud nos juris solum, non facti sunt Judices) condemnatos ad supplicium ducere, & in minoribus litibus cognoscere, in majoribus autem Jus dicunt Justiciarii, quos itinerrantes ad assisas vocant, qui quotannis hos comitatus, bis adeunt, ut de causis cognoscant & carceratis sententiam ferant: Henricus Secundus hos itinerantes instituit, vel potius restituit. Ille (ut inquit Mat. Par.) consilio filii sui & episcoporum constituit Justiciarios, per sex partes Regni, in qualibet parte tres, qui jurarent quod cuilibet jus suum conservarent illatum.

Of the Antiquity and Authority of this Officer, read Co. Rep. lib. 4. Mitton's Case, and Spelman's Glossary, verb. *Viccomes*. The Sheriff was heretofore chosen in the County Court by the Suffrages of the People, as Knights of the Shire for Parliament yet are, but now he is nominated by the King. See Fortescue, cap. 24. fol. 53. Et dicitur Vicecomes quid vicem Comitatus supplet, &c. Nicer lib. Scaccar. The form of his Oath, see in Reg. Orig. fol. 331. Of this read also Skene de verb. Signif. voce *Shyreve*, where he at large describes of the Sheriff in Scotland, in a Discourse worth the reading.

Shervi. Servants, or servile Tenants, their Name and Quality of Bondage do often occur in Doomsday Register: And their condition no doubt was worse than that of the *Bordarii*, or *Cotseji*, who perform'd likewise some servile Offices for their Lord, and yet as to their Persons and Goods were not obnoxious to servitude, as the proper *Servi* were. These were of four sorts, 1. Such as sold themselves for a Livelihood. 2. Debtors that were to be sold for being incapable to pay their Debts. 3. Captives in War, retain'd and employ'd as perfect Slaves. 4. *Nativi*, such as were born Servants, and by such descent belong'd to the sole property of the Lord.—All these had their Persons, their Children and their Goods, at the disposal of the Lord, incapable of making any Wills, or giving away any matter.

Shack. In Norfolk and Suffolk, the Lords of Mannors have the priviledge during the Winter six Months, to feed their flocks of Sheep at pleasure upon their Tenants Land; which liberty of Winter Pasture is there called *Shack*, vid. Spelman I C E N I A M.

Shiriff-tooth. — Per shiriff-tooth, Johannes Stanley Ar. clamat habere de quolibet tenente infra feodum de Aldford unum denarium & quadrantes per annum, exceptis Dominicis terris propriis & terra in feodo & Manerio prædicto Maner. & Hundred. de Macclesfield, Rot. Plac. in itin. apud Cestriam, 14 H. 7. & Per Shiriff-tooth, seems a tenure by the service or duty of providing Entertainment for the Sheriff at his County Turns or Courts. In Derbyshire the King's Bailiffs anciently took 6 d. of every bovine of Land in Name of Sheriff-tooth. Ryley's Placit. Parliam. fol. 653.

Shireve of Wiltshire and Essex. Is the extent of a Sheriffs Authority, 21 R. 2. cap. 10, 11. Sheriffs-wicks, 13 Eliz. cap. 22.

Sheriffalty. The time of a Man's being Sheriff, 14 Car. 2. cap. 21.

Shire-clerk. Seems to be the Under-sheriff, Anno 11 H. 7. cap. 15. It is sometimes taken for a Clerk in the County Court; that is, Deputy to the Under-sheriff. See Co. 4. Rep. Mitton's Case.

Shire-mote. See Shire and Turn.

Shoccare. Schoccare, To shock Corn, or put it into shock. Inter antiquas consuetudines Abbatis de Sancto Edmundo—in villa de Herdenyck—Operarius metet unam acram frumenti—& quantum metet tantum ligabit & thoccabit sed non carlabit. Ex Cartular. S. Edmundi, MS. f. 322.

Shop. Shopa, Omnibus, &c. Johannes Horferet de Hereford Bochoir salutem; Noveritis me præsum Johannem dedisse, &c. Rogero Smith de Bromeyard, unam shopam cum pertin. suis in Bromeyard prædict. scituat. in le Market place ibidem, &c. Dat. 27 Feb. 9 Ed. 4. See Selda.

Shorling and Morling. Seem to be words to distinguish Fells of Sheep; shorling signifying the Fells after the Fleeces are shorn off, and Morling alias Morling, the Fells flead off after they be killed, or die alone, 3 E. 4. cap. 1. 4 E. 4. 3. 12 E. 4. 5. and 14 E. 4. 3. See Morling and Morling.

Shortford. Anno 1235. Adjudicatum fuit Decano & Capitulo beati Petri Exoniensis quoddam tementum scituatum in vico australi civitatis Exoniensis secundum consuetudinem civitatis prædictæ & dicitur Shortford—Izack's Antiquit. of Exeter, p. 48. The ancient custom of this City is, when the chief Lord in Fee cannot be answered of the Rent due to him out of his Tenement, and no distress can be there Levied for the same, the Lord must come to the Tenement, and there take a stone, or some other dead thing of the said Tenement, and bring before the Mayor

Mayor and Bailiffs; and thus must he do seven Quarter-days successively, and this is called a *Glebe*. And if on the said seventh Quarter-day the Lord be not satisfied of his Rent and Arrears, then the said Tenement shall be adjudged to the said Lord to hold the same a Year and a Day; and this is call'd *Gavellock*. And then forthwith Proclamation shall be openly made in the Court, That if any Man pretends any Title to the said Tenement, that he appear within the Year and Day then next following, and satisfy the Lord of the said Rent and Arrears; but if no Appearance be made, and the Rent not paid, then shall the Lord come again to the said Court, and pray, that according to the said Custom, the said Tenement be adjudged to him in his Demesne as of Fee, according to the Intention of the Law in such like Cases, which is commonly called *le cessavit per biennium*. And this Custom here is called *Shortford*, and in French *Foreclose*; and so the Lord shall have from thenceforth the said Tenement, with the Appurtenances, in Fee to him and his Heirs for ever.

Shot, From the Saxon *Sceat*, signifying *Pecuniam aut Veltigal*. See *Lambart's Explication of Saxon words*, verb. *Primitia*. It is still used among Alehouse-keepers and Vintners; as to pay the *shot*, is to pay the Money due for the reckoning.

Sich, *Sichetum* & *Siketum*, A little currant of Water that uses to be dry in the Summer, *Inter duos sikettos*, &c. *Mon. Ang. 2. par. fol. 426*. Also a Water-furrow or Gutter.

Sicut alias, Is a second Writ sent out, where the first was not executed, *Co. lib. 4. fol. 85*. It takes name from those words in it. As for example, *Carolus Secundus Dei Gratia*, &c. *Vice-com. Midd. salutem. Præcipimus tibi (sicut alias præcepimus) quod non omittas*, &c. and so as in the *Capias*. *Lambert* in his *Treat of Process*, in the end of his *Eirenarchia*.

Sidemen alias *Questmen*, Be those that are Yearly chosen, according to the Custom of every Parish, to assist the Church-wardens in the Inquiry and Presenting such Offenders to the Ordinary, as are punishable in the *Court-Christian*. See *Synodales testes*.

Sidlingi, *Sidelings*, Meers or Balks betwixt or on the sides of Arable Ridges or Lands. — *Cum libertate falde & pastura & suarii in Sythlingis (Sidelings) & omnibus locis*. *Mon. Angl. vol. 2. f. 275*.

Sigillum. — *Notum sit omnibus Christianis quod ego Johannes de Grelley non habui potestatem sigilli mei, per unum annum integrum ultimo præteritum*, &c. *In cujus rei testimonium sigillum Decanatus de Repingdon appositum*, &c. *Dat. apud Drakelew, 18 Rich. 2*. See *Seal and Tabellion*.

Significabit, Is a Writ de *Excommunicato capiendo*, which issueth out of the Chancery upon a Certificate given by the Ordinary, of a Man that stands obstinately Excommunicate, by the space of forty days, for the laying him up in Prison without Bail or Mainprize, until he submit himself to the Authority of the Church. And it is so called, because the word *Significavit* is an Emphatical word in the Writ; there is also another Writ in the Register, fol. 7. directed to the Justices of the Bench, commanding them to stay any Suit depending between such and such, by reason of any Excommunication alledged against the Plaintiff, because the Sentence of the Ordinary that did Excommunicate him, is appealed from, and the Appeal yet depends undecided. See *F. N. B. De excommunicato capiendo*, fol. 62, 66. where you may find Writs of this Name in other Cases.

Signet, Is one of the King's Seals, wherewith his private Letters are sealed, and is always in the Custody of the King's Secretaries: And there are four Clerks of the *Signet-Office* always attending, 2 *Inst. fol. 556*.

Signum, A Cross prefix to the Name of a subscribing Witness, as a sign of assent and approbation to a Charter or other Deed, commonly used among the Saxons, and some of our first Normans, before the common use of either affix'd or appending Seals; when Subscriptions were in this form —

Signum Roberti Episcopi Linc. *Signum Nigelli de Oily*, &c.

Silk thowler and **Thowler**, *Anno 14 Car. 2. cap. 15*. Is a Trade or Mystery that winds, twists and spins, or throws Silk, so fitting it for use, who are incorporated by the said Act; wherein there is mention also of *Silkwinders* and *Doublers*, which are Members of the same Trade. See 20 *Car. 2. cap. 6*.

Silva rebua. See *Sylva cadua*.

Simnell, *Siminellus*, From the Latin *simila*, which signifies the finest part of the flower; *Panis similagenus*, *Simnel-Bread*. It is mentioned *Affissa panis* (and is still in use specially in *Lent*.) Bread made into a *Simnel* shall weigh two shillings less than *Wastell-bread*, *Stat. 51 H. 3*. See *Cocket*. It was sometime called *Simnellus*, as in the Annals of the Church of Winchester under the Year 1042. *Rex Edwardus instituit & carta confirmavit, ut quoties ipse vel aliquis Successorum suorum Regum Angliæ diadema portaret Wintoniæ vel Wigornæ vel Westmonasterii; Precentor loci recipiet de fisco ipsa die dimidium marcæ, & Conventus centum Summellos & unum modium vini*. But indeed the true reading is *Siminellos*. The English *Simnel*, was the purest white Bread, as in the Book of *Bettle-Abby*. *Panem regie mensæ aptum, qui Simenel vulgo vocatur*.

Simony, *Simonia*, *Venditio rei sacre*, so called from *Simon Magus*: It was agreed by all the Justices, *Trin. 8. Jac*. That if the Patron present any Person to a Benefice with Cure, for Money, that such Presentation, &c. is void, though the Presentee were not privy to it; and the Statute gives the Presentation to the King, *Co. 12. Rep. fol. 74*. *Simony* may be by compact between Strangers, without the privy of the Incumbent or Patron, *Cro. 1. par. fol. 331*. *Bawderoke's Case*, *Hob. Rep. fol. 165*. *Noy's Rep. fol. 22*. *Pascall's Case*, and 3. *Inst. fol. 153*.

Simplex, — *Carta simplex*, A Deed-Poll, or single Deed.

Simplex Beneficium, A minor Dignity in a Cathedral or Collegiate Church, a *Sine-Cure*, a Pension out of a Parochial Church, or any other Ecclesiastical Benefice oppos'd to a Cure of Souls, and which therefore was consistent with any Parochial Cure, without coming under the name or censure of Pluralities.

Simplex Justitiarius, This stile was anciently used for any Pursue Judge that was not Chief in any Court. There is a Writ Registered beginning thus — *I John Wood a simple Judge of the Court of Common-Pleas*, &c.

Simula, A Manchet, a white Loaf. — Among the Customs of the Abby of *Glastenbury*. — *In diebus solemnibus quam Fratres fuerunt in cappis, medanem habuerunt in iustis, & simulas super mensam, & vinum ad caritatem, & tria generalia*. — *Chartular. Abbat. Glaston. MS. f. 10*.

Sine assensu capitali, Is a Writ that lies where a Dean, Bishop, Prebendary, Abbot, Prior or Master of an Hospital, alien the Land holden in the right of his House, without the consent of the Chapter, Convent or Fraternity; In which Case his Successor shall have this Writ, *F. N. B. fol. 195*.

Sine die, Without day: When Judgment is given against the Plaintiff, he is said to be in *miseriordia*.

dia pro falso clamore suo; But when for the Defendant, then 'tis said, *Eat inde sine die*.

Si non omnes. Is a Writ of Association, whereby, if all in Commission cannot meet at the day assigned, it is allowed, That two, or more of them, may finish the business. See *Association*, and *F. N. B. fol. 185. & 111.* and *Reg. Orig. fol. 202, 206, &c.*

Si Recognoscant. Is a Writ that lies for a Creditor against his Debtor, for Money numbred, that hath before the Sheriff in the County Court acknowledged himself to owe his Creditor such a sum, received of him in pecuniis numeratis. The form of which Writ is this, — *Rex Vicecomiti salutem Prac. tibi quod si A. recognoscit se debere B. 40. solid. sine ulteriori dilacione, tunc ipsum distringas ad predictum debitum eidem B. sine dilacione reddendum. Teste, &c. Old Nat. Brev. fol. 68.*

Sitte or Scite, Situs. The standing of any Place, the situation of a Capital House or Messuage, a Territory, or part of a Country, as the site of the late dissolved Monastery of, &c. i. the place where it stood: The word is mentioned in the Statute 32 H. 8. cap. 20. and 22 Car. 2. cap. 11. and is there written *Scite*. — *Dedi situm loci in quo domus sua sita est, Mon. Ang. 2. par. fol. 278.*

Sithcundman. A Saxon word, *Et custos Paganus interpretatur*, Lamb. Explic. verb. pag. 5. And was such a one as had the Office to lead the men of a Town or Parish: *E classe nobilitum erat*, saith Somner. Even the Learned *Spelman* mistakes the derivation and proper meaning of this word, which is truly from *Sax. sithe, gesthe*, a Division of a Shire or County, a Riding, Lath, Rape, or Hundred. For *Dugdale* in his *Antiquities of Warwickshire*, does observe that the Hundreds of *Knightlow*, *Kineton*, and *Hemlingford*, in 16 Hen. 2. were called *Sithfoca de Emblelawa*, *Sithfoca de Chinton*, *Sithfoca de Humilford*. So as *Sithcundman*, *Sithcundman*, *Gestheundman*, was only the chief Officer within such a Division, the High Constable of the Hundred.

Sizel. In the fabrication of our Milled Money, the gold or silver is cast out of the melting Pot into long flat bars, which bars are drawn through a Mill (wrought by a Horse) to produce the just thickness of Guineas, Crowns, &c. Then with forcible Engines, called *Cutters*, which answer exactly to the respective sizes or dimensions of the Money to be made, the round pieces are cut out from the flat bar shaped as aforesaid; after which, the residue is called *Sizel*, and is melted down again. *Vid. Lowndes Essay upon Coin. p. 96.*

Slade, Sax. Slad. A long flat piece or slip of Ground. — *Pratum vocatum le Slade*, from the long and narrow form of it. *Paroch. Antiquit. p. 465. Slade-furlong, ib. 537.* See *Kennet's Glossary* in the word *Slade*.

Skaw. Is a word mentioned in the Statute made 4 E. 4. cap. 1.

Skynage. Is a proper Name, signifying the Precincts of *Caleys*, 27 H. 6. cap. 2.

Skeletta. A little Bell. — *Imponentes novam novam tello Ecclesie pro vetusta qua combusta fuerat, & pro veteri turri Ecclesie humile campanile & duas Skeletas quas Fergus Ararius de Sancto Botolfo nobis nuper contulerat imponentes. Hist. Ingulsi, p. 101.* Hence our *Skellers*, commonly made of Bell-metal. Old Teuton. *Schel, Lat. Skella*, a Bell.

Sluſe, Exclufa. Is a frame to keep or let water out of a Ground.

Slippa, A Stirrup, Stapes. *Manerium de Hoton. com. Camb. tenetur per servitium tenendi slippam sella Domini Regis dum equum suum in castro suo Carleoli scanderit. — Cart. 5 H. 7.*

Smalt, Is that which Painters make blue Colour, Anno 21 Jac. cap. 3. and Pat. 16. Feb. 16 Jac. in Italian *Smalto*.

Slough-silver. A certain Rent paid to the Castle of *Wigmore*, in lieu of certain days Work in Harvest, heretofore reserved from the Lord to his Tenants. Pat. 43 Eliz.

Smaka. A small light Vessel, a Smack. — *Naves quas hargas vocant, & galea propter victualia transmissa in turbinum revoluta perierunt. — omnes etiam smaka Regis & aliorum confractae sunt, ex quarum materiis facit Rex suas longas naves consicere. — Gaufredi Vinclauf Ric. Regis Iter Hieros. l. 5. cap. 4.* where by a gross error *Snake* is put for *Smaka*.

Snottering-silver. There was a custom in the Village of *Wylegh*, that all the servile Tenants should pay for their Tenement a Duty call'd *Snottering-silver*, i. e. for each Tenement 1 den. ob. to the Abbot of *Colchester*, *Placit. 18. Ed. 1.*

Smock-farthings. The Pentecostals or customary Oblations offered by the dispersed Inhabitants within a Diocess, when they made their Processions to the Mother Cathedral Church, came by degrees into a standing Annual Rent call'd *Smock-farthings*. For in the Year 1444. *William Alnewyk* Bishop of *Lincoln* issued out his Commission. — *Ad levandum le Smock-farthings alias dist. Lincoln-farthings a nostris Archidiaconatus nostri Leycestrie subditis ad utilitatem nostrae Matricis Ecclesie Cath. Lincoln. sponſa nostra convertend. — dista Smock-farthings conceduntur ad constructionem Campanilis Ecclesiae prebendalis S. Margaretae Leicestr. Reg. Will. Alnewyk Episc. Line. MS. And about the Year 1470. John Bishop of Lincoln sent his Injunctions to John Gilbert, Doctor of Decrees, his Commissary-General within the Archdeaconsry of *Oxford*, and *George Warde* L.L.B. to move the Curates or Parochial Clergy, to advise their People of the ancient and laudable custom of Processions, and Oblations to the Mother Cathedral Church at *Whitsonide*. — *Necnon ad exigendum, petendum, levandum & colligendum & recipiendum omnes & singulas oblationes hujusmodi quadrantes Pentecostales alias Smock-farthings vulgariter nuncupatas.**

Smoke-silver. *Tenementum Newſede cum pertin. &c. in villa de Staplehurst in Com. Cant. tenetur de Manerio de Eastgreenwich per fidelitatem tantum in libro ſwagio, Per Pat. Dat. 3. Feb. 4. Ed. 6.* And by the payment of *Smoke-silver* to the Sheriff Yearly the sum of Six pence. Notes for Lord Wooton's Office, 1628. There is *Smoke-silver* and *Smoke-penny* paid to the Ministers of divers Parishes, and tho' to be paid in lieu of Tithe-wood; or it may, as in many places at this day, be a continued payment of the *Romeſcot* or *Peterpence*. See *Chimney-money*.

Snodd. A smooth roll or bottom of Silk or Thread, from *Sax. Snod*, a Fillet or Hair-lace with which Women smooth up their hair, which in the North part of England is now called a *Snude*, and in Scotland a *Snod*. — *Et in oſſo Snoden de Packbread emptis ibidem pro quadam reti faciendo pro cuculis capiendis. — Paroch. Antiquit. p. 574.*

Soc, Soca, According to *Minſhem*, is a word signifying a power or liberty of Jurisdiction; whence our Law-Latine word *Soca*, for a Seigniorie enfranchised by the King, with liberty of holding a Court of his *Sockmen* or *Socagers*, i. his Tenants, whose Tenure is hence called *Socage*. *Skene de verbor. Interp. ſays*, See is called *Sella* de hominibus suis, in curia, secundum consuetudinem Regni. See more there: And *Bracton*, lib. 3. traſt. 2. cap. 8. mentions divers Liberties, as *Soc* and *Sac*, *Toll* and *Thean*, *Infangthef* & *Ut-fangthef*, & isti qui habent talem libertatem, possunt judicare in curia sua tam qui inventus fuerit infra libertatem

tem suam, seistus de aliquo latrocinio manifesto. The same interpretation Lambard gives it in his translation of the Saxon Laws: For among the rest in those of King Ina (Leg. 24.) Be Cypic rocnun, is rendered *De immunitate fani*; And in the Laws of Henry the First it is said, *Nullus socnam habet impune peccandi*, that is, none hath liberty of sinning without punishment. And in the same sense it is used in *Doomsday*, for in *Essex*, under the Title of *Terra Rogeri Bigoti* it is thus recorded, *Westunam tenet Hugo de Hofsene quod tenuerunt iv. liberi homines T. R. E. qui fuerant de loco Algari, &c.* See *Sok*, *Soke*.

Socage or **Socage**, *Socagium*, May be derived from the French *Soc*, that is, *Vomer* a Coulter or Plowshare, and is a Tenure of Lands by, or for certain inferior Services of Husbandry to be performed to the Lord of the Fee. See *Institutes of the Common Law*, 31. *Bracton*, lib. 2. cap. 35. num. 1. describes it thus, *Dici poterit socagium a focco & inde tenentes qui tenent in foccagio socmanni dici poterunt, eo quod deputati sunt, ut videretur, tantummodo ad culturam & quorum custodia & maritagia ad propinquiores parentes jure sanguinis pertinebit. Et si aliquando inde factu capiatur homagium, quod plures contingit, non tamen habebit propter hoc Dominus capitalis custodiam & maritag. Quia non semper sequitur homagium, licet aliquando sequatur. Skene de verbor. Signif. says, Socage is a Tenure of Lands, when a Man is infeoffed freely, without any Service, Ward, Relief or Marriage, and pays to his Lord such Duty as is called *Petit Sergeanty*, &c. There is *free socage* and *base socage*, otherwise call'd *Villanage*. — And according to *Bracton*, *Socagium liberum est, ubi fit servitium in denariis Dominis capitalibus, & nihil inde omnino datur ad scutum & servitium Regis. This free socage is also called common socage, Anno 37 H. 8. cap. 20. Other divisions there are in our Books, viz. Bract. lib. 2. cap. 8. num. 3. Old Nat. Brev. fol. 94. and others. But by the Statute 12 Car. 2. cap. 24. all Tenures shall be adjudged and taken to be turned into free and common socage. See Kennett's Glossary in Socage.**

Socmans alias **Sokemans**, *Socmanni*, Are such Tenants as hold their Lands and Tenements by *socage* tenure, of which there are several kinds, viz. *Sokeman's* of Frank-tenure, *Kitchin*, fol. 81. *Sokeman's* of Base-tenure, *Ibid.* and *Sokeman's* of ancient Demeine, which last seem most properly to be called *Socmans*, *F. N. B.* fol. 14. *Britton*, cap. 66. num. 2. The word *Sokeman* is found in the Statute of Wards and Relief, 28 E. 1.

Socmen, The *Ceorls* or Husbandmen among our Saxon Ancestors were of two sorts; one that hired the Lords Outland or Tenementary Land like our Farmers; the other that Tilled and Manur'd his Inland or Demeans (yielding *operam* not *censum*, Work, not Rent,) and were thereupon call'd his *Socmen* or Plough-men. *Spelman of Feuds*, cap. 7. But after the Conquest, the proper *Socmanni*, or *Sockemanni*, often mentioned in *Doomsday*, were those Tenants who held by no servile tenure, but commonly paid their Rent as a *sok* or sign of freedom to the Lord, tho' they were sometimes oblig'd to customary Duties for the service and honour of their Lord.

Socna, In Saxon *Socne*, a Privilege, or Liberty, and Franchise, — *Volo, ut ipsi sint eorum soca & focne*; *Theolonii etiam & Teami* (privilegiarum, scilicet & jurium sic appellatarum) *digni infra tempus & extra tempus*, &c. *Charta Canuti Regis* in Hist. Eccles. Catch. S. Pauli, fol. 189. See *Soc*.

Soka, *Soc*, *Sok*, *Soke*. The words generally signify Liberty or Privilege of Tenants excus'd from customary burdens and impositions. Sometimes *Soca* or *Sok*, was the Territory or Precinct in which the

chief Lord did exercise his *Sac*, *Sake*, or *Saca*, his liberty of keeping Court, or holding Trials within his own *Soke* or Jurisdiction. Sometimes it signified a Payment or Rent to the Lord for using his Land with such liberty and privilege, as made the Tenant a *Socman* or Freeholder, upon no other conditions than a Quit-rent. As often in *Doomsday*, — 1. *Sachman reddens Sacham in manerio*. — i. e. One *Sochman* or free Tenant paying only Money or Rent.

Socome, Signifies a custom of grinding at the Lord's Mill: And there is *Bond socome*, where the Tenants are bound to it, and *Love-socome*, where they do it freely out of love to their Lord.

Soke, Anno 32 H. 8. cap. 15. & cap. 28. *Significat libertatem Curia tenentium quam socam appellamus*, *Fleta*, lib. 1. cap. 47. sect. *Soke*. *Per Soke Will. Stanley in Manerio suo de Knottsford clamant cognitionem placitorum debiti, transgressionis, conventionis & detentionis infra summam 40. sol. Pl. Itin. apud Cestr. 14 H. 7. Soke, id est, aver fraunch Court de ses homes* *M. S.* See *Soc*.

Sokemaurie, *Sokemanria*, Free tenure by *Socage*. — *Dicunt quod tenuerunt predilla de predilla Rege per Sokemanriam sine carta sive aliquo servitio eidem Domino Regi in guerra sua inde faciendo*. — *Consuetud. domus de Farendon*, *MS.* 1. 46.

Soken, *Soca*. See *Soc* and *Hamsken*.

Solarium, An upper Room, Chamber, or Garret, which in some parts of England is called a *Sollar*. *Istud cellarium & istud Solarium sita sunt intra domum meam*. *Paroch. Antiquit.* p. 325. *Pro duobus cellariis & duobus solaris eisdem ad terminum vita traditis & concessis*, *ib.* p. 448.

Soketreeve, Seems to be the Lord's Rent-gatherer in the *sok* or *foke*, *Fleta*, lib. 2. cap. 55.

Solda, It seems to be the same with *felda*, a Shop or Shed.

Sole-Tenant, *Solus tenens*, Is he or she that holds only in his or her own right, without any other joined: For example, If a Man and Wife hold Land for their Lives, the Remainder to their Son; Here the Man dying, the Lord shall not have Heriot, because he dieth not sole Tenant. See *Kirkin*, fol. 134.

Sollicitor, *Sollicitator*, Is a man imploy'd to take care of, and follow Suits depending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial Servants they were, but now too frequently used by others, to the damage of the People, and the increase of Champerty and Maintenance.

Solet & debet. See *debet & solet*.

Solidata terra. See *farding-deal of Land*. *Solidata* also signifies the pay or stipend of a Soldier, *Et qui terram non habent & arma habere possunt, illuc veniant ad capiendum solidatas nostras*. *Breve Regis Johannis Vicecomitibus Angliae*, Anno 1213.

Solimus terra, In some places of *Doomsday Book* is said to contain two Plow-Lands, and sometimes less than half a one; for there it is said *Septem solini terre sunt 17. Caruciat*. — *S* This word *Solimus* was probably from the Sax. *Sulk*, a Plough, but what quantity of Land this *Solin*, *Sulling*, or *Swoling* did contain, is not so easily determin'd. I believe it was commonly the same with a Plough Land. So that in *Doomsday Book*, *Se defendit pro uno solino*, is, It is Taxed for one Carucate or Plough Land.

Soller or **Solar**, *Solarium*, A Chamber or Upper-Room; *Dedi-unam shopam cum solarium super-sedificato*, *Ex Vet. Carta*.

Solutione feodi militis Parliamenti, and **solutione feodi Burgens Parliamenti**, Are Writs whereby Knights of the Shire and Burgesses may recover their allowance, if it be denied, Anno 35 H. 8. cap. 11.

Solvendo esse, Is a term of Art, signifying that a Man

Man hath wherewith to pay, or as we say, is a person solvent.

Sommons alius **Summons**, *Summonitio*, Signifies in our Common Law as much as *Vocatio* in *jur*, or *Citatio* among the *Civilians*: And thence is our word *Sommer*, which in French is (*Semoneur*, i. *vocator*,) *Monitor*. The Customary of Normandy for our *Summons* hath *Semone*, cap. 61. *Summons* of the Exchequer, 3 E. 1. 19. 10 E. 1. 9. How *Summons* is divided, and what circumstances it hath to be observed. See *flera*, lib. 6. cap. 6, 7.

Sontage, Was according to *Stow*, pag. 284. A Tax of forty shillings laid upon every Knights Fee: In some places the word is used for course Cloth, as bagging or Hops, or the like. See *Systema Agriculturae*.

Sors, In sums of Money lent upon Usury, the Principal was call'd *Sors*, as distinguished from the Interest. *Socii Mercatores Senenses Episcopum Elyensem trahunt in causam coram Magistro Alexandro de Berentyn Judice a Domino Papa delegato super trecentas marcas de sorte, & centum marcas de interesse anno 40 H. 3. Prynn. Collect. Tom. 2. p. 861.*

Sorter, *Sortilegium*, Divination by Lots, which is Felony by 1 Jac. cap. 12. *Sortilegius, quia utitur sortibus in cantationibus Dæmonis*, 3. Inst. fol. 44. *Sorter* & devinal font *Members de Heresy*. *Mirror*, cap. 1. sect. 5. *Sortilegi* sunt divinatores, vel isti qui sub nomine fidei Religionis per quasdam, quas sanctorum vel Apostolorum vocant sortes vel divinationes, sententiam vel scientiam profitentur; sive divinatione, aut quavumcumque scripturarum inspectione futura promittunt, *Vocab. utriusque juris*.

Sorting Kerfies, 3 Jac. cap. 16. A sort of Cloth so called.

Sor alius **Accipiter**, A Sor or Soar-hawk. King John granted to Robert de Hese, Land in Berton of the Honour of Nottingham, to be held—*Per servitium Accipitris fori nobis reddendi singulis annis*—*Cartular. S. Edmundi, MS. f. 113.*

Sotiale, Mistaken without doubt for *Sostale*, yet in *Bracton*, lib. 3. tract. 1. cap. 1. it is written *Sotiale*, and he says, It is so called *Sotiale*, and was a kind of Entertainment made by Bayliffs to those of their Hundred for gain, which the same *Bracton* says was taken away in the Reign of Henry the Third. See *Sostale*.

Sovereign, A piece of gold currant at twenty two shillings six-pence in 1 H. 8. when by Indenture of the Mint, a pound weight of gold of the old Standard was to be coined into twenty four *Sovereigns*. In 34 Hen. 8. they coined *Sovereigns* at twenty shillings a piece, and half *Sovereigns* at ten shillings. In 4 Ed. 6. *Sovereigns* of Gold at twenty four shillings a piece. In 6 Ed. 6. *Sovereigns* at thirty shillings. So in 2 Eliz.

South Utcount, *Sub Vicecomes*, Is the Under-Sheriff, *Crompt. Jur. fol. 5.*

Soulegrave, An old Name of the month February, so called by the Inhabitants of South-Wilts, who have this Proverb, *Soulegrave fil lew*, i. e. February is seldom warm.

Solvant, Is a word corrupted from the French *Souvenir*, i. remembered; for the Stat. 4 Hen. 5. cap. 7. in the Original French hath *Des eslevants nient souvenir*, and such *Eslevants* and Casualties as are not to be remembered, run not in demand, that is, are not leviable: It is a word of Art used in the Exchequer, where *Eslevants* that *sovne* nor, are such as the Sheriff by his industry cannot get, and *Eslevants* that *sovne* are such as he may gather, 4 Par. Inst. fol. 107.

Spathe Placitum, Pleas of the Sword, or a Court Martial for the speedy execution of Justice on

Military Delinquents.—*Item diximus per sacramentum nostrum quod vidimus Henricum & Ricardum quondam Reges Anglie tenentes Placitum Spate in civitate & banlevia Lexovii.*—Cart. A. D. 1105. Brady Append. to Hist. of England, p. 45.

Speaker of the Parliament, Is an Officer in that High Court, who is, as it were, the common mouth of the rest: And as that Honourable Assembly consists of two Houses, so there are two *Speakers*, the one termed the *Lord Speaker of the House of Peers*, and is most commonly the *Lord Chancellor*, or *Lord Keeper of the Great Seal of England*. The other (being a Member of the House of Commons) is called *The Speaker of the House of Commons*; both whose Duties you have particularly described in a Book entituled, *The Order and Usage of keeping the Parliament*. See *Parliament*.

Special matter in evidence, See *General Issue*, and *Bro. tit. General Issue and Special Evidence*.

Specialitas, A Specialty is taken for a Bond, Bill, or such like Instrument. But it hath heretofore been taken for particular acquaintance, as appears *Inter Pl. coram Rege apud Ebor. Mich. 1 E. 3. Rot. 123. Presentatum fuit per Juratores—quod quidam Johannes de Pratis habuit quandam uxorem amicabilem de cuius specialitate, Willielmus filius Henrici Molendinarii & similiter quidam alii malefactores fuerunt; ita quod predicti malefactores venerunt ad lectum ipsius Johannis ubi jacebat & ipsum traxerunt ab eadem & ipsum abinde duxerunt & tenuerunt dum predictus Willielmus concubuit cum ea.*

Spigurnel, Sealer of the King's Writs. *Vid. Espigurnel. Johannes Boon miles filius Domini Francisci Boon & Johanna uxor ejusdem Johannis concedunt al Roy serjeantum suam ipsum capella Regii, & officium Spigurnellorum ad ipsos spectans; que de Rege tenent in capite.*—*Memorand. in Scaccar. Mich. 14 Ed. 1. by Sir John Maynard.*

Spinsters, It is the addition usually given to all unmarried Women, from the *Viccounts Daughter* downward: Yet Sir Edward Coke says, *Generosa* is a good addition for a Gentlewoman, and that if they be named *Spinsters* in any Original Writ, Appeal or Indictment, they may abate and quash the same, 2 Inst. fol. 668.—*Pollard Miles & Judic. habuit 11. filios gladius cinctus in tumultu suo & totidem filias suis depictas. Spelman in his Aspilogia says, Antiquis temporibus ipsa Reginae fufus use sunt, unde hodie omnes femine Spinsters dicte sunt.*

Spiritualities of a Bishop, *Spiritualia Episcopi*, Are those Profits which he receives as a Bishop, not as a Baron of the Parliament, *Stamf. Pl. Cor. fol. 132*. Such are the Duties of his Visitation, his benefit growing from ordaining and instituting Priests, Prestation Money, that is, *subsidium eharitativum*, which upon reasonable cause he may require of his Clergy, *Johannes Gregor. de Benefic. cap. 6. num. 9.* and the benefit of his Jurisdiction, *Joachimus Stephanus de Jurisd. lib. 4. cap. 14. num. 14.*

Spikenard, *Spica Nardi*, vel *Nardus*, Is a Medicinal Herb, whereof read *Gerard's Herbal*, lib. 2. cap. 415. The Fruit or Ear of this (for it brings forth an Ear like *Lavender*) is a Drug garbleable, by 1 Jac. cap. 19.

Spittle House, Mentioned in the Act for Subsidies, 15 Car. 2. cap. 9. Is a corruption from *Hospital*, and signifies the same thing; or it may be taken from the *Teutonick Spital*, which denotes an Hospital or Alms-House.

Spoliation, *Spoliatio*, Is a Writ that lies for one Incumbent against another, in any case where the right of the Patronage cometh not in debate: As if a Parson be made a Bishop, and hath dispensation to keep his Rectory, and afterward the Patron present another

another to the Church, which is instituted and inducted. The Bishop shall have against this Incumbent a Writ of spoliation in Court Christian, F. N. B. fol. 36. See *Revenance*, and *Termes de la Ley*, hoc verbo.

Sponſagium, In a Charter of Edw. 1. to the Barons of his Cinque-Ports.—*Quæti ſint de omni theſorion & omni conſuetudine videlicet ab omni laſtagio, talagio, paſſagio, cayagio, rivagio, Sponſagio, & omni wrecco.*—Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountains.

Spoſe-breath, Adultery, or Incontinence, oppoſ'd to ſimple Fornication. A. D. 1542. The Lady Katharine was accuſed to the King of incontinent living not only before her marriage, but alſo of Spoſe-breath after her marriage. Fox *AE. Mon.* vol. 2. p. 540. b.

Spullars of Parn, Arc Tiers of Yarn, to ſee if it be well ſpun, and ſit for the Loom, Anno 1. Mar. Parl. 1. cap. 7.

Spurarium aureum, A Spur-Royal.—*Pro hac recognitione dedit Johannes dedit prædicto Hugoni unum ſpurarium aureum.* Paroch. Antiquit. p. 321.

Spren, Broken Wood, or Wind-fall.—*Cum autem in boſis noſtris aliqua ſuccederimus, licebit eis ſine aliquo ferramento vel aliquo uſtilio ſuccidibi intrare, & ramalia qua de Wyvede remanſerint, qua Anglice Spren dicuntur colligere.*—*Conventio inter Priorem & Convent. Cantuar. & Homines de Chertham facta anno 1166.*—Ex Regiſtro Eccl. Chriſti Cant. MS.

Squalley, Anno 43 Eliz. cap. 10. See *Rewey*. It is a note of faultineſs in the making of Cloth.

Squires. See *Esquires*.

Stableland, Is one of the four Evidences or Preſumptions whereby a Man is convicted, to intend the ſtealing the King's Deer in the Foreſt, *Manwood*, part 2. cap. 18. num. 9. The other three are *Dog-dial*, *Back-bear*, and *Bloody-hand*. This *Stableland* is, when a Man is found in *ſtabili ſtatione*, at his ſtanding in the Foreſt with a Croſs-bow or Long-bow bent, ready to ſhoot at any Deer, or elſe ſtanding cloſe by a Tree with Greyhounds in a Leaſh, ready to ſlip.

Stabilitio venationis, The driving Deer to a ſtand, which is alſo call'd driving the *Wanlaſſe*. *Qui monitus ad ſtabilitationem venationis non ibat L. ſol. Regi emendabat.* Lib. Domeſdei.

Stachla, An *Eſtache*, A Dam or Head made up of Stakes, Earth, Stones, &c. to ſtop a Water-courſe.—*Abbas & Conventus Sancti Edmundi habent quoddam ſtagnum prope villam S. Edmundi quod vocatur Teyven*—& *Cellerarius S. Edmundi ligna (ibi tranſverſa) reparare volens fecit ibi venire Carpenterarios & apponere fecit ſtachias ſubter ligna verſus aquam, &c.* Ex Cartular. S. Edmundi, MS. 193. See *Eſtache*.

Stagnarium, Vel potius *Stannarium*, a Tin-Mine, Rex, &c. *Conceſſimus Domina Regina matri noſtre cunæum & ſtagnarium Devon. ad ſe ſuſtinendum*, Pat. Anno 1. Hen. 3.

Stagnes, *Stagna*, Ponds, Pools, or ſtanding waters, mentioned 5 Eliz. cap. 21.

Stadium, Is in *Doomſday Book* accounted for a furlong of Land, which is the eighth part of a Mile.

Stagiarlus, A Canon Reſidentiary in a Cathedral Church. *Stagiarlus*, the Reſidence to which he was oblig'd. *Stagiarlus*, to keep ſuch Reſidence As in a Statute made in the Chapter of Pauls, 2. Id. Jul. Anno 1219.—*Ortam de modo Stagiariæ inter Feſtum S. Johannis Bapt. & S. Michi in Eccleſia London. faciendâ Dubitationem volentes enodare; ad tollendum omnem conſcientiæ ſcrupulum antiquam conſuetudinem ſtagiandi in dieſſo termino ſeu quarterio nondum ſcriptam hac ſcriptura exprimere deſervimus, videlicet quod antiquus Stagiarius à die Sabbati, &c.*—Ex Libro Statutorum Eccleſiæ Paulinæ per Thos. Lyſeaux Decanum, MS. f. 56.

b. They commonly put this diſtinction between *Reſidentiarius* and *Stagiarlus*, every Canon inſtall'd to the Privileges and Profits of Reſidence was *Reſidentiarius*, and while he actually kept ſuch ſtated reſidence he was *Stagiarlus*, or *Stagionarius*. The word *Stagium* was likewiſe uſed for reſidence, as *Stagionarius poſſquam ſtagium ſuum in Domibus Eccleſiæ vicinis incepit*, &c. ib. f. 44. a.

Stall-boat, A kind of Fiſhers Boat, Anno 27 Eliz. cap. 21.

Stalkers, A kind of Fiſhing Nets, mentioned 13 Rich. 2. ſtat. 1. cap. 20. & 17 Rich. 2. cap. 9.

Stallange, *Willielmus Lucy miles remittit domui & Eccleſiæ de Theleſford, tolle, tack, Stallange, & Blodeſhede*—anno 7 H. 7. Cartular. domus de Theleſford, MS.

Stallage, *Stallagium*, May be derived from the Saxon *Stal*, i. ſtatio; or the French *Eſtaller*, i. merces exponere: It ſignifies Money paid for pitching of Stalls in Fairs or Markets, or the right of doing it, See *Seavage*. This in Scotland is call'd *Stallenge*, according to *Skene de verbis*. Interpret. verb. *Stallangiatores*. Among the Romans it was termed *Siliquaticum*, à ſiliqua primo & minimo omnium pondere apud illam nationem. See Kennet's Gloſſary.

Standardus, True Standard, or legal Weight or Meaſure.—*Ricardus Abbas S. Edmundi & Conventus.*—*Salut.*—*Willielmus Tyllot*—tenet de nobis quoddam meſſagium—continet in latitudine quinque virgas Standardi, & in latitudine quatuor virgas Standardi, &c. Dat. 13 Jul. 15 Ed. 4.—Ex Cartular. S. Edmundi, MS. f. 268.

Standard. See *Eſtandard*.

Standell, Is a young ſtore Oak-Tree, which may in time make Timber, twelve ſuch are to be left ſtanding in every Acre of Wood at the felling thereof, 35 H. 8. 17. and 13 Eliz. cap. 25.

Stannaries, *Stannaria*, Comes from the Latin *ſtannum*; Tin, and ſignifies the Mines and Works where this Metal is digged and purified; as in *Cornwall*, and other places: Of this read *Cambd. Brit. pag. 119*. The liberties of the *ſtannary-men* granted by Edward the Firſt, before they were abridged by the Statute 50 E. 3. See in *Plowden's Caſe of Mines*, fol. 327. and Co. 12. Rep. fol. 9. And further, for the Liberties of the *Stannary-Courts*, ſee 17 Car. 1. cap. 15.

Stannum, In the Statutes of the Cathedral Church of St. Pauls it was ordain'd, ut *Servientes capas, cericas, libros, pannos ſericos & lineos ac laneos, ſtanna, cathedras, pulvinaria & alia ornamenta Eccleſiæ à veſtibus in chorum ſeu alibi in Eccleſiam deferent*, &c. where I take *Stanna* to be the ſtanding Candleſticks, ſuch as were ſometimes call'd *ſtataria* and *Cere ſtata*.

Staple, *Stapellum*, Signifies this or that Town or City, whither the Merchants of England were, by Act of Parliament, to carry their Wool, Cloth, Lead and Tin, and ſuch like *ſtaple* Commodities of this Land, for the utterance of them by the great. The word may either be derived from the Saxon *Staple*, which ſignifies the ſtay or hold of any thing, according to *Lambart* in his *Duties of Conſtables*, num. 4. becauſe the place is certain and ſettled; or elſe from the French *Eſtappe*, i. *forum vinarium*, a Market or Staple for Wines; the chief Commodity of France. And accordingly in a French Book we find it written, —*A Calais y avoit Eſtappe de la laine*, &c. which is as much as to ſay, as the *ſtaple* for Woolls. You may read of many places appointed for this *ſtaple* in our Statutes, according as the King thought fit to alter them, from the ſecond year of Edward, the Third, to the Fifth of Edward the Sixth, cap. 7. What Officers

Officers the staples had belonging unto them, you may see in *Anno 27 E. 3. stat. 3. cap. 21.* The Staple Commodities of this Realm, are Wooll, Leather, Wooll-fells, Lead, Tin, Butter, Cheese, Cloth, &c. as appears by the Statute 14 *Rich. 2. cap. 1.* though some allow only the five first, see 4. *Inst. fol. 238.*

Star, Starrum. A contraction from the Hebrew *Shefar*, which signifies a Deed or Contract. All the Deeds, Obligations, and Releases of the Jews, were anciently call'd Stars, written for the most part in Hebrew alone, or else in Hebrew and Latin; one of which yet remains in the Treasury of the Exchequer, written in Hebrew without pricks in King John's Reign, the substance whereof is thus expressed in Latin just under it, like an English Condition under a Latin Obligation. — *Istud Star fecit Hagium Filium Magistri de London Domino Ada de Strattona de acquietantia de Stammore, &c.* See the Plea Rolls of Pasch. 9 *Edw. 1. Rot. 4. 5, 6, &c.* where many Stars, as well of Grant and Release, as Obligatory, and by way of Mortgage, are pleaded and recited at large.

Star-Chamber, Camera stellata, otherwise called Chamber des Joyells, was a Chamber at Westminster so called (as Sir Tho. Smith de Rep. Anglor. lib. 2. cap. 4. conjectures,) because at first the ceiling thereof was adorned with Images of gilded stars. And in the 25 of *Hen. 8. cap. 1.* It is written the starred Chamber. Henry the Seventh, and Henry the Eighth, ordained by two several Statutes, viz. 3 *Hen. 7. cap. 1.* and 21 *Hen. 8. cap. 2.* That the Chancellor assisted by others there named, should have Power to punish Routs, Riots, Forgeries, Maintenances, Embraceries, Perjuries, and such other Misdemeanors as were not sufficiently provided for by the Common Law, and for which the inferior Judges are not so proper to give Correction: And because that place was before set apart to the like Service, it was still used accordingly. Touching the Officers belonging to this Court, see *Cambd. p. 112, 113.* But by the Statute 17 *Car. 1. cap. 18.* this Court commonly call'd The Star-Chamber, and all Jurisdiction, Power and Authority thereto belonging, are from and after the first of August, 1641. clearly and absolutely dissolved and determined, and so continues dissolved and determined to this day.

Starling. See Sterling.

Star Stationarius. A Canon Residentiary in a Cathedral Church. See *Stagiarium, Statio, Residence.*

Status De manerio. All the Tenants and legal Men within the Liberties of a Mannor, met in the Court of their Lord, to do their customary suit, and enjoy their Usages and Rights. — *Apud curiam de Wrethwyke tentam in festo S. Andree an. 17 Edw. 3. — omnis status de Wrethwyke elegerunt Hugonem Kyng ad officium Propositi & juramentum suscepit. Paroch. Antiquit. p. 456.*

Statute, Statutum, Has divers significations; as first, it signifies an Act of Parliament made by the King and the three Estates of the Realm, in which sense it is either general or special, *Co. lib. 4. Holland's Case, fol. 76.* Statute in another signification, is a short writing called a Statute-Merchant, or a Statute-Staple, which are in nature of Bonds, *Ann. 5 H. 4. cap. 12.* and are called Statutes, because made according to the forms expressly provided by Statutes, which direct both before what persons, and in what manner they ought to be made, *West. Symb. part 1. lib. 2. sect. 151.* where he defines a Statute-Merchant thus, A Statute-Merchant is a Bond acknowledged before one of the Clerks of the Statutes-Merchant and Mayor, or chief Warden of the City of London, or two Merchants of the said City for that purpose assigned, or before the Mayor, chief Warden, or Master of other Cities or good Towns, or other suf-

ficient men for that purpose appointed, sealed with the Seal of the Debtor and of the King, which is of two pieces; the greater is kept by the Mayor, chief Warden, &c. and the lesser piece thereof by the said Clerks: The form of which you may see in *Fleta, lib. 2. cap. 64. sect. 2.* thus, *Noverint universi me N. de tali Comitatu teneri P. in quadraginta marchis solvendis eidem ad festum Pasche. Anno Regni Regis, &c. & nisi fecero, concedo quod currant super me & heredibus meis districtio & pena provisa in statuto Domini Regis Editto apud Westm. Dat. London. tali die Anno supradicto.* The Fee for the Seal is, for Statutes acknowledged in Fairs for every pound a half-penny, and out of Fairs a farthing. The execution upon Statute-Merchants is, first to take the Body of the Debtor, if he be Lay, and can be found, if otherwise upon his Lands and Goods, and is founded on the Statute made 13 *E. 1. stat. 4.* See the New Book of Entries, verb. Statute-Merchant.

Statute-Staple, Is so called either properly or improperly. A Statute-Staple properly so called, is a Bond of Record, acknowledged before the Mayor of the Staple, in the presence of one of the two Constables of the same Staple, for which Seal the Fee is of every pound, if the Sum exceed not 100 *li.* an half-penny, and if it exceed 100 *li.* a farthing; and by virtue of such Statute-Staple, the Creditor may forthwith have execution of the Body, Lands and Goods of the Debtor: And this is founded upon the Statute 27 *E. 3. cap. 9.* A Statute-staple improper is a Bond of Record, founded upon the Statute 23 *H. 8. cap. 6.* Of the nature of a proper Statute-staple as to the force and execution of it, and acknowledged before one of the chief Justices, and in their absence, before the Mayor of the Staple and Recorder of London. The forms of all these Bonds or Statutes, see in *West Symb. part 1. lib. 2. sect. 152, 153, 154, 155.*

Statutes are also vulgarly taken for the Petit-Sessions, which are yearly kept for the disposing of Servants in Service, by 5 *Eliz. cap. 4.* See Recognisance and these Statute-Sessions, otherwise called Petit-Sessions, are a meeting in every Hundred of all the Shires in England, where by Custom they have been used, where to the Constables and others, both Householdiers and Servants repair, for the debating of difference between Masters and Servants, the rating of Servants Wages, and bestowing such People in Service as being fit to serve, either refuse to seek, or get Masters, *Anno 1 Eliz. cap. 4.*

Statuto Stapula, Is a Writ that lies to take his Body to Prison, and seize upon his Lands and Goods, that hath forfeited a Bond called Statute-staple, *Reg. Orig. fol. 151.*

Statutum de Laborantibus, Is a Writ Judicial, for the apprehending of such Laborers as refuse to work according to the Statute, *Reg. Judic. fol. 27.*

Statuto Perceptoris, Is a Writ for the Imprisoning of him that has forfeited a Bond called Statute-Merchant, until the Debt be satisfied, *Regist. Orig. fol. 146.* And of these there is one against Lay-persons, and another against Ecclesiastical, *Ibid. & 148.*

Statu-saker, Staphys agria vel herba Pedicularis, Is a medicinal Herb; the kinds and virtues whereof you have in *Gerard's Herbal, lib. 1. cap. 130.* The seed of this is mentioned among Drugs to be garbled, *Anno 1 Jac. cap. 19.*

Staurum. Any store, or standing stock of Cattle, Provision, &c. When formerly the Bishops occupied and stock'd their own Demesne Lands, they were oblig'd to leave at their Death such a determin'd quantity of Cattle for a stock to their Successors; which stock upon the Ground was call'd Staurum, and de Staurro, de Infltauro.

Stemmfreoh.—*Necnon libertate multura sua in molendino ipsius Roberti, &c. quod sint stemmfreoh et Cholfreoh, Mon. Ang. 2. par. fol. 293.*

Stennery, Is used for the same with Stannaries in the Statute 4 H. 8. cap. 8. See *Stannaries*.

Sterbrech alias **Strebrech,** Is the breaking, obstructing, or making less of a way, *Siquis viam frangat, concludendo, avertendo vel fodiendo*: It may be derived from the old English word *Stræ*, i. *Via*, and *Brech*, i. *Præstitio*; hence probably to go *astray*, or as now we write *astray*, that is, to go out of the way.

Stranlaw, A stony Hill, *Doomsday*.

Stealing, Is the fraudulent taking away of another mans Goods, with an intent to *steal* them against, or without, the will of him whose Goods they be. The Civil Law judges open Theft to be satisfied by the recompence of fourfold and privy theft, by the recompence of double; but the Law of England adjudges both those Offences to death, if the value of the thing stolen be above twelve pence.

Stercoris cathedra, *Vir sive Mulier falsam mensuram in civitate faciens deprehensus in solidis emendabitur, similiter malam cervisiam faciens aut in cathedra ponebatur stercoris aut quatuor solidos dabat Propositus. Lib. Domeldei, Cestrescire.*

Sterling, Sterlingum, Was and is the Epithete for Silver-money current within this Realm. And took name from this, that there was a pure Coin stamped first in England by the *Easterlings*, or Merchants of *East-Germany*, by the Command of King *John*, and accordingly Roger *Hoveden* parte poster. suor. annal. fol. 377. writes it *Esterling*. See the Statute Of *Purveyors*, cap. 13. By the Statute 31 Ed. 1. the penny which is called the *sterling*, round, and without clipping, weighs thirty two grains of Wheat, well dried, and twenty pence make an ounce, twelve ounces a pound, and eight pound a gallon of Wine, and eight gallons a Bushel, which is the eighth part of a Quarter, 17 E. 2. cap. 19. The word is not yet out of use; for though we ordinarily say *Lawful Money of England*, yet in the Mint, and the like, they say *sterling Money*. **St (Sterling)** When it was found convenient in the fabrication of Monies, to have a certain quantity or proportion of baser metal to be mixed with the pure Gold and Silver; the word *Sterling* or *Esterling* was then introduced, and has ever since been used to denote the certain proportion or degree of fineness, which ought to be retained in the respective Coins. Vid. *Lownd's Essay upon Coins*, p. 14. See *Kennett's Glossary in Sterlingi*.

Stewes, Are those places which were permitted in England to Women of professed Incontinency, and that for him would prostitute their Bodies to all Comers. It is derived from the French *Estuves*, i. *Therma*, vel *Balneum*, because dissolute persons are wont to prepare themselves for venereal acts by bathing. And that this is not new, *Homer* shews in the Eighth Book of his *Odyss*. where he reckons hot Baths among the effeminate sort of Pleasures, of these read 11 H. 6. 1. But King *Henry* the Eighth about the year 1546. prohibited them for ever.

Steward, Senescallus, Is compounded of *stede*, place and ward; as much as to say, as a man appointed in my place or stead, and hath many several Applications, but always signifies a principal Officer within his Jurisdiction. The greatest of these is the *Lord High Steward* of England, whose Power formerly was of great extent, but of later time so abridged, that he has not usually been appointed, but only for the dispatch of some special business, as the Arraignment of some Nobleman in case of Treason, or such like, which once ended, his Commission expires. Of the Court of the *High Steward* of England, you may read

4 Inst. fol. 59. Then is the Lord Steward of the King's most Honourable Household, 24 H. 8. cap. 13. whose Name was changed to that of *Great Master* by 32 H. 8. cap. 39. But this Statute was repealed by 1 Mar. 2. Parl. cap. 4. and the Office and Name of the *Lord Steward of the King's Household* revived, whereby you may read much concerning him, as also in F. N. B. fol. 241. Of his ancient Power, read *Fleta*, lib. 2. cap. 2. There is also a Steward of the *Marshalsea*, Pl. Cor. fol. 52. and 33 H. 8. cap. 12. In brief, this word is of so great diversity, that there is in most Corporations, and in all Houses of Honour throughout the Realm, an Officer of this Name and Authority. What a Steward of a Manor or Household is, or ought to be, *Fleta* fully describes, lib. 2. cap. 71, 72.

Stick of Cels. Bind *anguillarum constat ex decem stickis, & qualibet stick ex 25 angulis.* Mon. Angl. Tom. 2. f. 880. It is in some Records called *brochus anguillarum*.

Sticker, A small Officer who cut Wood for the Priory of *Ederose* within the King's Parks of *Clarendon*, Rot. Parl. 1 Hen. 6.

Stipula, Stubble, or gratten left standing on the Ground after the Corn is reaped and carried away. — *Dedi unam carecatam foragii, & duas acres stipulae, &c. Cart. 2 Ed. 2.* — *Præterea concessit eidem Radulfo & heredibus suis habere octo animalia & sex porcos in dominica pastura mea, & in stipulis meis quietæ de consuetudine in perpetuum.* Carta Sewalli de Olevile, Anno 1205.

Stiremannus, Sax. Steor-man. A Pilot or Steers-man. — *Quando Missatici Regis vesiebant ibi (i. e. ad Oxerve) dabant pro caballo transducendo 3 denarios in hyeme, & 2 in æstate: Burgenses vero inveniebant Stiremannum & unum alium Adjutorem.* Lib. Domeldei in Chenth.

Stilgard, Guildhalda Teutonicorum, Anno 19 H. 7. cap. 32. 22 H. 8. cap. 8. and 32 H. 8. cap. 14. was a place in London, where the Fraternity of the *Easterling Merchants*, otherwise called *The Merchants of the Hanse and Almaine*, Anno 1 E. 6. cap. 13. had their abode. See *Geld*. It was at first so denominated of a broad Place or Court where steel was sold, upon which place that House was founded. See *Hanse*.

Stoc and Stovel. — *Præterea si homines de Stanbali dicti Abbatis inventi fuerint in bosco prædicti W. cum forisfacto ad hoc & ad stovel alias stovene, & aliquis querens corporaliter in terram per eos seisisit, fuerit, malefactor pro delicto, qui terram inventus fuerit, reddet tres solidos, — similiter concessum est quod si aliquis inventus fuerit cum brachiis quercuum vel cum aliis minutis boscis, cum forisfacto illo ad hoc & ad stovell, Malefactor ille reddet sex denarios, Equadam Cart. Conventionum, inter Will. de Bray, & Abbat. & Convent. de Osney. See *Zuche*.*

Stockkind. See *Gavelkind*.

Storall. — Also moreover we have granted in amendment of the City, that they bin all quit of Breytchel, of Childwre, Zereigen, and of Scotill: So that no Sheriff of London, neither none other Waple make Storall in the Franchets, &c. This is an old Printed Book, which delivers it (among other things) as the Charter of *Henry the First* to the City of London: But the word is thought to be mistaken for *Scorale*.

Stola, Was a Garment which Matrons wore, and reached down to their Buttocks. *Ovid* in his second Book *De Tristibus* mentions the word,

Quæ stola contingit & stola sumpta decet.

And *Ulpian* also de Auro & argento, Leg. I. Vestis. Muliebria, inquit, sunt, veluti stola, palla, tunica, &c.

Stone of Troall, Petra Lane, Anno 11 H. 7. cap. 4. Ought

Ought to weigh fourteen pounds; yet in some places it is more, and in others it is but twelve and a half. *Le charre de plumbo constat ex 30. formellis & qualibet formella continet 6. petras exceptis duabus libris, & qualibet Petra constat ex 12. libris.* Compositio of Ponderibus. A stone of Wax is but eight pound, nor is the stone of Beef at London any more. See *Weights and Scales*, and also *Crompton's Justice of Peace*, fol. 22.

Stoth.—*Nativi de Wridebop*—solvit quilibet pro filiabus suis maritandis gerson Domino, & Our-lap pro filiabus corruptis, & Stoth & alia servitia & exilia. Patr. Bles. Contin. Hist. Croyland, p. 115.

Stoutner. See *Zuche*.

Stowage. From the Saxon *Stow*, i. *to us, villa*, is the place or part where Goods are laid, or the Money that is paid for such a place.

Strait. According to *Doomsday Book* signifies *Villam*, a Village.

Straits or Streets. Anno 18 H. 6. and 1 Rich. 3. cap. 8. A sort of narrow Cloth or Kersey to be called.

Strand. Sax. *Strande*. Any shoar or bank of a Sea or River. An immunity from custom and all imposition upon Goods or Vessels by Land or by Water, was usually express'd by *strand* and *stream*. As King Henr. 2. to the Church of Rochester. — *Concedo & confirmo in perpetuum cum siccis & siccis, strand and stream.* Mon. Angl. Tom. 3. p. 4. So the same Prince granted to all Tenants and Traders within the Honour of Walsingham, that—by Water and by Land, by Word and by Strand, Quietly sicut de thelopio, passagio, &c. Paroch. Antiquit. p. 114. Hence the Street in the West Suburbs of London, which lay next the shoar or bank of the Thames, is called the Strand. And G. Duglase mentions the *Strandis of the Sea*. See *Strand*.

Stranded. (From the Saxon *Strand*, A shore or bank of the Sea, or any great River,) Is, when any Ship is either by Tempest, or ill Storage, run on ground, and so perishes, Stat. 17 Car. 1. cap. 14. See *Strand*.

Strap. If any Beast do by chance go astray, and come within the Liberty of the Prior, and shall be taken by his Bayliffs, it shall be carried to the Pinfold, and there kept a year and a day; if no Man claim it within that time, then the Prior shall have it: But if any one come, and shall lawfully prove it to be his, he shall give for every foot one penny, and pay the charges of keeping, and then he shall have his Beast again. Ex Regist. Priorat. de Cokesford. See *Esray*.

Stranger. May be derived from the French *Esrangier*, *allena*. It signifies generally in our Language a Man born out of the Land, or unknown; but in the Law it hath a special signification, for him that is not privy or party to an act. As a *stranger* to a Judgment, *Old Nat. Brev. fol. 128.* is he to whom a Judgment doth not belong; and in this sense it is directly contrary to *party* or *privy*. See *Privy*.

Stream works. Is a kind of Works in the *Stannaries*, which you may find mentioned 27 H. 8. cap. 22. Concerning these, Camden in his *Britann. tit. Cornwall*, hath these words, *Horum stannariorum sive metallicorum operum duo sunt Genera: Alterum Lode-works, alterum Stream-works vocantur hoc in locis inferioribus est cum fossis agendis stanni venas sectantur & fluxum alveos subinde defleunt; illud in locis editoribus, cum in montibus puteas, quos shafts vocant in magnam altitudinem defodiunt & viculos agunt.*

Street-gavel or Secret-gavel. Quilibet tenens in Manerio de Cholington dabit 2 s. pro ita & reditu, MS. de temp. E. 4. Every Tenant of that Mannor (in Com. Suffex) paid yearly two shillings for his going out and returning into it, to the Lord of the Mannor, by the

Name of *Street-gavel*, Mich. 4. E. 1. *Coram Rege*, Antiquity of Purveyance, fol. 222.

Streptitus Judicialis. The circumstances of noise and croud, and other turbulent formalities at a Process or Trial in a publick Court of Justice. And therefore our wise Ancestors did in many cases provide, that Right and Justice should be done in a more private quiet manner, *Sine streptitu judiciali*. — Possint eos & eorum Successores per omnem censuram Ecclesiasticam ad omnium & singulorum premissorum observationem absque Articuli seu Libelli petitione, & quocumque streptitu judiciali compellere. Paroch. Antiquit. p. 344.

Strip. *Streptitus*, Destruction, Mutilation, from the French *Esriper*, i. *Mutilare*. *streptum & vastum facere*, i. To make, strip and waste, or shoop and waste. See *Esriperment*.

Streteward. Per Streteward Johannes Stanley Armiger, Clamat quod servientes pacis & Ministri sui infra feodum de Aldford capere debent de qualibet fuga catallorum 4 d. Rot. Pla. in Itin. apud Cestrium, 14 H. 7. See *Market zelde*.

Strond. Is a Saxon word signifying a shoar or bank of a Sea, or any great River. In a Charter of King Richard, Dated at Canterbury the 4th of November, in the first year of his Reign, we find these words, *Richardus Rex, &c. Notum facimus vobis nos concessisse, &c. Deo & sancto Albano Ecclesie sue sancti Oswini de Tynemuth, cella sancti Albani & Monachis ibidem Deo servientibus omnes terras suas & omnes homines suos, cum sacha, soca, Over strand et stream, on woode & feldes, Toll, Them & Grishburge, Hamscone, Murdrum & Fureball Danegeld, Infangenethesf & Urfangenethesf, Flemingsenieth, Blodwit, Wrecke, &c.* And the Gloss. in 10. Scriptores interpreting these words, *On strand et stream, on woode & felds, faith.* — *Voces Anglice veteres & in antiquioribus eorum chartis crebro reperiuntur; Privilegium sapient fere potius Privilegii latitudinem significationem & sic Latine legantur, in Littore, in Fluvio, in Sylva & Campo.*

Strumpet, Meretrix. Was heretofore used for an addition, *Jur. presentant, &c. quod Johannes de Mainwaring de Whatcroft de Com. Cestr. Esq; Laurentinus de Warren de Davenham Esq; &c. Hugo de Sondebach Toman, Hopkin, Norman de Com. Cestr. Husbond-Knave, Willielmus de Birchwood de Clyve-Knave cum plurimis aliis & Agnes Cawes de medio Wico de Com. Cestr. Strumpet.* — *Tali die domum Ranulphi Madocke, vii & armis, &c. frugerant, &c. Pla. apud Cestr. 6 H. 5. m. 2. in Dorfo.*

Stryk. The eighth part of a Seam or Quarter of Corn, a Strike or Bushel. — *Solvunt nomine decimarum molendini sex modios alias sex stryk bladi prout molendum obtulerit eisdem molendini.* Cartular. Reeding. MS. fol. 116. a.

Strud. Freely to buy and sell as well in Chester as in the County and Wiche, where there was no Law, all things with Toll and Strud, besides Salt and Horses, Mon. Ang. 2. par. fol. 187. haply it may be the same with *stuth*, which see.

Stuth. Per Stuth clamat esse quiet. de exactione pecunie a singulis villis — per vicecom. comitat. Cestrie, Pl. in Itin. ibid. 14 H. 7.

Submarshal. *Submarecallus*, Is an Officer in the Marshaltee, who is Deputy to the chief Marshal of the King's House, commonly called The Knight-Marshal, and hath the custody of the Prisoners there, *Crompt. Jur. fol. 104.* He is otherwise called *Under-Marshal*.

Subnervare. To cut the sinews of the Legs or Thighs, to Ham string. It was a good old custom in England, *Meretrices & impudice mulieres subnervare.* Vid. Osbornum de vita S. Pustani, apud Whartoni, Angl. Sacr. P. 2. p. 146.

Subornation, Subornatio. A secret or under-hand preparing,

preparing, instructing or bringing in a false Witness, or corrupting or alluring to do such a false act. Hence subornation of Perjury mentioned in the Act of General Pardon, 12 Car. 2. cap. 8. Is the alluring to Perjury, subornation of Witnesses, 32 H. 8. cap. 9. and 3 par. Inst. fol. 167.

Subpana, Is a Writ whereby all Persons under the degree of Peerage are called into Chancery, in such case only where the Common Law fails, and hath made no provision; so as the party who in equity hath wrong, can have no ordinary remedy by the Rules and course of the Common Law, *West Symbol.* part 2. tit. *Proceedings in Chancery*, sect. 18. But Peers of the Realm in such cases are called by the Lord Chancellors, or Lord Keepers Letters, giving notice of the Suit intended against them, and requiring them to appear. There is also a *Subpana ad testificandum*, for the summoning of Witnesses as well in Chancery as others Courts. There is also a *Subpana* in the Exchequer, as well in the Court of Equity there as in the Office of Pleas. And these Names proceed from the words in the Writ, which charge the Party summoned to appear at the day and place assigned, *Subpana Centum Librarum*. See *Crompt. Jurisd.* fol. 33. and Anno 15 Hen. 6. cap. 4.

Subsidium Cathedralicum. See *Cathedralick*.

Subsidy, *Subsidium*, Signifies an Aid, Tax or Tribute, granted by Parliament to the King, for the urgent Occasions of the Kingdom, to be levied of every Subject, according to the rate of his Land or Goods, after four shillings in the pound for Land, and two shillings eight pence for Goods. No History mentions that the Saxon King had any *Subsidies* after the manner of Ours at present; but they had both Levies of Money and personal Services towards the building and repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called *Burgbote*, *Brigbote*, *Wrecfare*, *Weregeld*, &c. But when the Danes harassed the Land, King *Ethelred* yielded to pay them for redemption of Peace several great sums of Money yearly. This was called *Danegeld*, for the levying of which, every Hide of Land was taxed yearly at twelve pence, Lands of the Church only excepted, and thereupon it was after called *Hydagium*, and that Name remained afterward upon all Taxes and *Subsidies* imposed on Lands; for sometimes it was laid upon Cattle, and then was termed *Hornegeld*. The Normans called these sometimes *Taxes*, sometimes *Tallages*, other-whiles *Auxilia* & *Subsidia*. The Conqueror had these *Taxes*, and made a Law for the manner of their levying, as appears in *Emendationibus ejus*, pag. 125. sect. *Volumus & hoc firmiter*, &c. many years after the Conquest they were levied otherwise then now, as every ninth Lamb, every ninth Fleece, and every ninth Sheaf, 14 E. 3. stat. 1. cap. 20. Of which you may see great variety in *Rastall's Abridgment*, tit. *Taxes*, *Tents*, *Fifteens*, *Subsidies*, &c. and 4. Inst. fol. 26. & 33. Whence we may gather there is no certain Rate, but as the Parliament shall think fit. *Subsidy* is in our Statutes, sometimes confounded with *Customs*, 11 H. 4. cap. 7. See *Benevolence*, and 15 Car. 2. cap. 7.

Subgrunda, The Eaves of a House, *Tegulae propendentes extra tectum domus ad parietum defensionem, ne imbris corrumpantur*, *Vocab. utriusq. juris*.

Substitute, *Substitutus*, One placed under another to transact, or do some business.

Succinum, *Gemma est ex gummi arboris Glessaria congelata, quam diutius appellari à Graecis electrum*. Of which *Juvenal*.

Incepimus manibus ceu pinguis Succina tritas Cernis Ephemeridas.

And *Martial*, *Inclusit tennem succina gemma feram*

Sucking, *Per Sucking, hoc est fore quiet. de illis amerciamendis quando le Wurlimen, id est, superiiores, del Ringyord, id est clausus, qua vocat. le Chiminfildes vel Common Weddowes, & pramonit. fuerint ad imparcand. & faciend. clausurus illas simul cum vicinis suis, ille qui non venit ad ta'em pramonitionem, amerciaturs erit ad pretium unius vomeris, Anglice a Sucke pretii quatuor denari & hoc quotiescunq. pramonit. non venerit. Plac. in Itin. apud Cestriam, 14 Hen. 7.*

Suetta, *Sella*, Suit or Service done to a superior Lord. From the French *Suivre*, sequi, to follow. — *Pro omnibus servitiis, curie sectis, suettis, releviis, &c. Paroch. Antiquit. p. 262.*

Sufferentia pacis, A Grant or Sufferance of Peace or Truce. — *Pro quadam sufferentia pacis cum illis habenda per unum annum duraturâ. Claus. 16 Edw. 3. p. 2. m. 2.*

Suffragan, *Suffraganus*, Is a titular Bishop appointed to aid and assist the Bishop of the Diocels, *Co. 2. Inst. fol. 79.* calls him a *Bishop Vicegerent*. *Spelman* says, *Dicuntur Episcopi qui Archiepiscopo suffragari & assistere tenentur, & suffraganei dicuntur quia eorum suffragiis cause Ecclesiasticae judicantur*. By the 26 H. 8. cap. 14. The Diocesan may elect two honest and discreet spiritual persons, &c. and that every such person shall be called *Bishop Suffragan*.

Suit or *Sute*, *Sella*, Signifies a following another, but in divers senses. The first is a *Suit in Law*, and is divided into *real* and *personal*, and is all one with *action real* and *personal*, *Kitch. fol. 74.* Secondly, *Suit of Court*, or *Suit-service*, is an Attend that Tenants owe to the Court of their Lord, 7 H. 7. cap. 2. Thirdly, *Suit-Covenant* is, when your Ancestor hath covenanted with mine to sue to his Court. Fourthly, *Suit Custom*, when I and my Ancestors have been seized of your own and your Ancestors *suit*, time out of mind. Fifthly, *Suit real* or *regal*, when Men come to the Sheriffs Turn or Leet. See *Leet*. Sixthly, *Sute*, signifies the following one in Chace, as *Fresh-suit*, *Westm. 1. cap. 46.* Lastly, it signifies a Petition made to the King, or any great Person.

Suit of the Kings Peace, *Sella pacis Regis*, Is the pursuing a Man for breach of the King's Peace by Treasons, Insurrections or Trespasies, 6 Rich. 2. stat. 2. cap. 1. and 27 R. 2. cap. 15. and 5 H. 4. cap. 15.

Suit-silver. See *Sute-silver*.

Suling. See *Swoling*.

Sulus *agrus*, A small brook or stream of water, called in some places a *Sike*, in *Essex* a *Doke*. — *In fine inferiore ipsius mersa descendit quidam sulus fluens inter medium de Stanford more, &c. Paroch. Antiquit. p. 531.*

Summa, *Saugma*, *Sauma*, Fr. *Sauine*, *Somme*. Properly any load or burden of a Horse. In old Charters we frequently find *Sauma vini*, and *summa ligni*, for a Horse Load of Wine or Wood. Mr. *Somner* believes, that this sort of burden gave name to a *Sumpter Horse*, Lat. *Equus saumarius*, Fr. *Somiere*. — *Summa frumenti*, Sax. *Seam* and *Seam-byrden*, was the quantity of eight Bushels, or a Quarter, still call'd a *Seam* in Kent, and other South parts. *Summa frumenti*, and *Summa bladi*, is frequent in our old Writings.

Summage. See *Sumage* and *Seme*.

Sumage, *Sumagium* & *summagium*, A Horse-load, also Toll for Carriage on Horseback, *Crompt. Jur. fol. 191.* For where the Charter of the Forest, cap. 14. hath these words, For a Horse that bears loads every half year a halfpenny: The Book called *Pupilla Oculi*, useth these words, *Pro uno equo portante summagium, per dimidium annum obolum*, *Chart. E. 1. num. 17.* It is otherwise called a *Seame*: And a *Seame* in the Western parts is a Horse-load.

Summa

Summa Regia, Summa media, &c. The different measure of the seam or quarter of Corn, is thus usefully noted in the old Cartulary of Peterburgh called *Swafham*.—*Summa Regia per quam emitur & venditur in foro*; *Summa media per quam Praposti merant apud Burgum*. *Summa de granario per quam facta liberatio de exitu pistrini*. *Summa quarta, per quam datur Metecorn infra civiam*. *Summa Regia excedit veterem summam in tanta portione quod septem summa Regia faciunt octo summas veteres*. *Item septem summa Regia faciunt duodecim summas de granario*. *Swafham, MS. f. 220.*

Summer-hus-alber, Homines quoque de walda debent unam domum altivalem quæ Anglice dicitur Summer-hus invenire, aut viginti solidos dare.—Customale de Newington juxta Sittingburn, MS. From whence it may be infer'd, that the Lords or Owners of the Dens and Districts of Wood in the weald of Kent, used to visit those places in Summer time, when for their better accommodation, their Under-tenants were bound to prepare little Summer Huts or Houses for their reception, or else pay a composition in Money.

Summontas, Is a Writ Judicial, of great diversity, according to the divers Cases wherein it is used, which see in the Table of the Register Judicial.

Summontor, Summontor. Is a petty Officer, that calls or cites a Man to any Court; these ought to be *boni homines*, that is in *Fleta's* Judgment, *Liberi homines & ideo boni, quia terras tenentes, quod sint coram talibus Justiciariis ad certos dies & locum secundum mandatum Justiciariorum vicecomiti direxerit, parati inde facere recognitionem*, lib. 4. cap. 5. sect. Et clem.

Summontores were properly the Summoners or Apparitors, who cited in Delinquents to appear at a certain time and place, to answer any charge or complaint exhibited against them. Two Persons were join'd in this Office, who in citations from a superiour Court, were to be Peers or Equals of the Party cited. At least the Barons were to be summon'd by none under the degree of Knights. Hence *Summontores ordinarii, legales, boni, &c.*—*Summons ibidem per bonos Summontores eundem Thomam quod sit coram nobis in crastino S. Johannis Baptiste responsurus ad hoc quod proponetur*. *Paroch. Antiquit. p. 177.* Hence in the Diocess of Canterbury, the Apparitors in each Deanery are call'd the *Sumners*, which was their Title, we know, in *Chaucer's* time.

Summontores Scaccarii. Those Officers who assisted in collecting the King's Revenues, by citing the Defaulters into the Court of Exchequer.—*De censagio quod per Summontores scaccarii exigitur*. *Paroch. Antiquit. p. 200.*

Summons, Summnio. With us as much as *Vocatio in ius*, or *citatio* among the *Civilians*; And thence is our word *Summoner*, which in French is *Sompneur*, i. *vocator, monitor*. *Summons* of the Exchequer, 3 E. 1. cap. 19. How *Summons* is divided, and what circumstances it has to be observed. See *Fleta*, lib. 6. cap. 6, 7.

Summons in terra petita, Kirchin, fol. 286. Is that *Summons* which is made upon the Land, which the Party (at whose Suit the *Summons* is sent forth) seeks to have.

Summons ab Warrantizand, And sequatur sub suo periculo, Dyer, fol. 69. num. 35. *Summoneas ab Warrantizandum*, Is the Process whereby the Vouchee is called. See *Co. on Lit. fol. 101. b.*

Sumptuary Laws, Are Laws made to restrain excess in Apparel, and prohibit costly Clothes; of which we have heretofore had many in England, but all repealed, Anno 1 Jac. See 3. Inst. fol. 199.

Super-institution, Super-institutio. One Institution upon another; as where A. is admitted and institu-

ted to a Benefice upon one Title, and B. is admitted, instituted, &c. by the Presentment of another. See *Hutchins Case in Co. Rep. 2. par. fol. 463.*

Superoneratione pasturæ. Is a Writ Judicial, that lies against him who is impleaded in the County, for the overburdening of a Common with his Cattel, in case where he was formerly impleaded for it in the County, and the Cause is removed into the King's Court at Westminster.

Super Prerogativa Regis. Is a Writ which lay against the King's Widow, for marrying without his Licence, F. N. B. fol. 173.

Superledeas. Is a Writ in divers Cases, and signifies in general a Command to stay, or forbear the doing of that which ought not to be done, or in appearance of Law were to be done, were it not for that whereon the Writ is granted. For example, A Man regularly is to have Surety of peace against him of whom he will swear, He is afraid, and the Justice required hereunto cannot deny him; yet if the Party be formerly bound to the Peace, either in Chancery, or elsewhere; this Writ lies, to stay the Justice from doing that which otherwise he ought not to deny. See the Table of the Reg. Orig. and Judic. and F. N. B. fol. 236. for preventing the Superledeing of Executions. See the Statute 16. 17 Car. 2. cap. 8.

Super Statutum Edward 3. versus Servants & Laborers. Is a Writ that lies against him who keeps my Servants, departed out of my Service, against Law, F. N. B. fol. 167.

Super Statuto de York, quo nul terra Titeller, &c. Is a Writ lying against him that uses Victualling either in gross, or by Retail, in a City or Borough Town, during the time he is Mayor, &c. F. N. B. fol. 172.

Super Statuto, 41 E. 3. cap. 12, 13. Is a writ that lay against the King's Tenant holding in chief, which alienateth the King's Land without his Licence, F. N. B. fol. 175.

Super Statuto facto pour Seneschal & Marshal de Roy, &c. Is a Writ lying against the Steward, or Marshal, for holding Plea in his Court of Free-hold, or for Trespass or Contracts not made within the King's Household, F. N. B. fol. 241.

Super Statuto de Articulis Cleri, Cap. 6. Is a Writ against the Sheriff or other Officer, that distrains in the King's High-way, or in the Glebe-land, anciently given to Rectories, F. N. B. fol. 173.

Supervisor. Is a Latine word signifying a Surveyor or Overseer: It was anciently, and still is a Custom among some, especially of the better sort, to make a Supervisor of a Will, but it is to little purpose; However the first might be good, that he should supervise the Executor, and see the Will truly performed.

Supervitor. Or as now Surveyor of the High-ways, Anno 5 Eliz. cap. 13. See Surveyor.

Superficies. Is the surface or top of the Earth, and whatsoever is upon the face thereof, *Vocab. utriusq. juris.*

Supplicavit. Is a Writ issuing out of the Chancery, for taking the Surety of Peace against a Man: It is directed to the Justices of Peace of the County and the Sheriff, and is grounded upon the Statute, Anno 1 E. 3. cap. 16. which Ordains, That certain persons in Chancery shall be assigned to take care of the Peace. See F. N. B. fol. 80. This Writ was of old called *Breve de minis*, as *Lambart* saith in his *Eirenarcha*, out of the *Registr. Orig. fol. 88.*

Sur cui in vita. Is a Writ that lies for the Heir of that Woman, whose Husband has aliened her Land in Fee, and she brings not the Writ *Cui in vita* for the recovery of her own Land; In this case her Heir may have this Writ against the Tenant after her decease, F. N. B. fol. 193.

Surcharge of the Forest, *Superoneratio Forestæ*, Is, when a Commoner puts on more Beasts in the Forest than he has right to; *Mamwood, part 2. cap. 14. nam. 7.* And is taken from the Writ *De secunda superoneratione Pastura* in the same sense, when the Commoner surchargeth, 3. *Inft. fol. 293.*

Surety of the Peace, *Securitas Pacis* (so called, because the Party that was in fear is thereby secured,) Is an acknowledging of a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the Peace. This Peace may a Justice of the Peace Command, either as a Minister, when he is commanded thereto by a higher Authority; or as a Judge, when he doth it of his own Power, derived from his Commission. Of both these, See *Lamb. Etren. lib. 2. cap. 2. pag. 77.* See *Peace*. See *Supplicavit*. *Securitas de bono gestu*, Surety of the good abearing differs from this, that whereas the Peace is not broken without an Affray, or such like; the Surety *de bono gestu* may be broken by the number of a Man's Company, or by his or their Weapons and Harness.

Surmicha, A Loaf of courser white Bread, such as in Kent is call'd Ravel-Bread, *Conventus de Wartre* *ex concedit Joanni de Torqualbet* *ebdomada 14. albus Michas conventuales* & 14 galones melioris cervisie — & *servitoribus suis 4. albus Michas* & 13. magis furnichas, item 4 panes bastard. 28 Mart. 1309. *Ex Registr. Grenfeld Archiepisc. Ebor. MS. f. 119.* Perhaps *Sura micha* was only leaven Bread; there is now a sort of Oaten Cake in the North call'd *Sour-Cake*.

Surplusage, *Surplusagium*, Cometh of the French *Surplus, i. corollarium*; and signifies in the Common Law a superfluity, or addition, more than needeth, which sometimes is a cause that a Writ abateth, Broke, tit. *Nugation and Superfluity*, fol. 100. *Plowden*, fol. 62. *Dives and Maningham's Case*. It is sometimes also applied to matter of Account, and denotes a greater disbursement than the charge of the Accountant amounteth unto; *Satisfaciant in omnibus quod conjunctum fuerit per prædictum computum inter eos de surplusagio recepto de averiis venditis*, &c. *Ordinatio de marisco Romeneiensis*, pag. 38.

Sullings, In Doomsday Book, according to Mr. Agar's Interpretation, are taken for Alders. But in 1. *Inft. fol. 4. for Elders*.

Sullugas, Sullinga, A Swelling, a Plough-Land. Sax. *Sul*, a Plough. — *Offici Rex totius Angliæ dedit Janiberto Archiepiscopo ad Ecclesiam Christi Doybern. terram trium aratrorum quam Cantiani Anglice dicunt tres Swolinges.* *Mon. Angl. vol. 1. p. 19. a.*

Sullyery, Denotes a Plough-land, as the same Mr. Agar interprets it out of *Doomsday*.

Surgeon, *Chirurgus*, May be deduced from the French *Chirurgeon*, signifying him that dealeth in the Mechanical part of Physick, and the outward Cures performed with the hand; and therefore is compound of two Greek words, viz. *χείρ manus*, *ἔργον opus*: And for this cause are they not allowed to minister inward Medicine. See the Statute 32 H. 8. cap. 4. and *Polton's Abridgment*, tit. *Surgeons*.

Surrejoinder, Is a second defence of the Plaintiffs Action, opposite to the Defendants Rejoyners, West Symb. part 2. tit. *Supplications*, sect. 57. and therefore Hotonnan calls it *Triplificationem, quæ est secunda actoris defensio contra rei duplicationem oppositam*.

Surrebutter, Is a second Rebutter, or a Rebutting more than once. See *Rebutter*.

Surrender, *Sursum-redditio*, Is an Instrument in writing, testifying with apt words, that the particular Tenant of Lands or Tenements for life, or years, doth sufficiently consent and agree, That he which has the next or immediate remainder or reversion thereof, shall also have the present Estate of the same in posses-

sion, and that he yields and gives up the same unto him: for every Surrender ought forthwith to give possession of the things surrendered, *West Symb. part 1. lib. 2. sect. 503.* where are several Prefidents: There may be also a Surrender without writing: and therefore there is said to be a surrender in Deed, and a surrender in Law; A Surrender in Deed is, that which is really and sensibly performed. A Surrender in Law is, intendment of Law by way of consequent, and not actual. See of this *Perkins, cap. 9. & fol. 606.* As if a man have a Lease of a Farm, and during the term, he accept of a new Lease, this Act is in Law a Surrender of the former, *Co. 6. Rep. fol. 11.* There is also a customary Surrender of the Copyhold-Land, for which see *Coke sup. Littleton*, sect. 74.

Surrogate, *Surrogatus*, One that is substituted or appointed in the room of another, most commonly of a Bishop, or of a Bishops Chancellor.

Surfile, *Supersisa*, 32 H. 8. cap. 48. Seems to be an especial name used in the Castle of Dover, for such Penalties and Forfeitures as are laid upon those that pay not their Duties or Rent for Castleward at their days. *Bracton* hath it in a general signification, *lib. 5. tract. 3. cap. 1. num. 8. and Fleta, lib. 6. cap. 3. in princ.*

Surveyor, *Supervisor*, Is a French compound of *sur* i. super and *veoir*, *cernere, videre*. It signifies with us, one that has the over-seeing or care of some great persons Land or Works. As the Surveyor-General of the Kings Mannors, *Crompt. Jur. fil. 39.* And in this sense it is taken, 33 H. 8. cap. 39. where there is a Court of Surveyors erected: And the Surveyor of the Wards and Liveries. But he is taken away with the Court of Wards and Liveries, by the Statute made Anno 12 Car. 2. cap. 24.

Surveyor of the Kings Exchange, 9 H. 5. stat. 2. cap. 4. Was an Officer whose name seems in these dayes to be changed into some other; for there is none such now, or else the Office now disused.

Survivor, From the French *Survivre, i. superesse*, Signifies the longer liver of two Joynt-Tenants. See *Bro. tit. Joynt-tenants*, or of any two joynd in the Right of any thing.

Suskin, See Gally-half-pence.

Sus, *Unum fuit Machinimentum, quod nostri Suem, veteres vineam vocant, quæ machina levibus lignis colligata, testis tabulis cratibusq; contexto, lateribus crudis coris communis, protegit in se subsidentis, qui quasi morè suis ad murorum suffodienda penetrant fundamenta.* Will. Malmstun. Hist. lib. 4. — *Preparare fecerant variarum argumenta machinarum. Alii Sues rostratas, alii Contos, alii Sues, sive quodcumq; genus vel prius visum vel tunc excogitatum.* *Ricardi Regis Iter Hierosol.* cap. 59. Let the Etymologists consider, whether the large Tube with two Ears, carried on Mens Shoulders by a Poll or large stick, be not hence called Sows, and the sticks whereon they are carried Sow flangs.

Suspension or Suspende, *Suspensio*, Is a Temporal stop of a Mans Right; as when a Seignior, Rent, &c. by reason of the Unity of possession thereof, and of the Land out of which they issue are not in esse for a time, & tunc dominant, but may be revived or awakened, and so differs from extinguishment, which dies for ever, *Bro. tit. Extinguishment and Suspension*, fol. 314. and *Co. on Lit. lib. 3. cap. 10. sect. 559.* Suspension is also used sometimes by us, as it is in the Canon-Law *pro minori Excommunicatione*, Anno 24 H. 8. cap. 12. See *Vocab. utriusq; juris*.

Suspiral, (From the Latin *suspirare, i. ducere suspiria*) and seems to be a spring of Water passing under the ground toward a Conduit or Cistern, 35 H. 8. cap. 10. And indeed the word is an absolute French word; for *Suspiral* in that Tongue signifies *spiramentum Cavernæ*, the mouth of a Cave or Den. *Sut.*

Sute. See *Suit*.

Sute-silver. Is a small Rent, or sum of Money, which, if paid, does excuse the Freeholders from the appearance at the Court Barons within the Honour of Clun in Shropshire.

Suvelsilver. *Inter antiquas consuetudines Abbatie de Sancto Edmundo—Apud grangias per totum annum sunt xij. famuli capientes xij. meteorns—Et ad quemlibet merecorn datur singulis unus denarius ad Suvelsilver Et est summa de Suvelsilver per annum ix. sol.*—Ex Cartular. S. Edmundi, MS. f. 322.

Swan. *Cygnus.* He that stealeth the Eggs of Swans out of their Nests, shall be imprisoned for a year and a day, and fined according to the King's Pleasure; one moiety to the King, and the other to the Owner of the Land where the Eggs were so taken; and it was a Custom in ancient time, That he which stole a Swan in an open and common River, lawfully marked, the same Swan (if it may be) or another Swan shall be hanged in a House by the break; And he which stole it in recompence thereof, compelled to give the Owner as much Corn as may cover all the Swan, by putting and turning the Corn upon the head of the Swan, until the Head of the Swan be covered with Corn. See Ca. 7. Rep. Case of Swans.

Swanherd. See *Kings Swanherd*.

Swanmote alias **Swatunote**, *Swainmotas*, Signifies a Court touching matters of the Forest, and held by the Charter of the Forest thrice in the year, before the Verderors as Judges. Anno 3. H. 8. cap. 18. What things are inquirable in the same, you may read in *Crompt. Jurisd.* fol. 108. And it is as incident to a Forest as a Court of Pye-Powder to a Fair; *Nul-lum Swain-motum de cetero teneatur, in Regno nostro nisi ter in Anno, viz. in Principio quindecim dierum ante festum sancti Michael, &c. circa festum sancti Martini, & initio quindecim dierum ante festum sancti Johannis Baptiste, &c.* Charta de Foresta tam Regis Johannis quam Hen. 3. cap. 9. See 4. Infl. fol. 289. This word is compounded of the Saxon *ppang*, a Country Swain or Boatsman, and *Gemot*. *Conventus*, as Mr. Lambert thinks in his *Explication of Saxon words*, verb. *Conventus*, with whom agrees *Manwood* in his *Forest Law*, pag. 11. See *Kennett's Glossary*.

Swarth-money. The Swarth-money is one penny half-penny; it must be paid before the rising of the Sun; the party must go thrice about the Croft, and say the Swarth-money, and then take Wittness, and then lay it in the hole; And when you have so done, look well that your Wittness do not deceive you: For if it be not paid, you give a great Forfeiture xxx s. and a white Bull. This Exposition was found in an old M. S. containing the Rents due to the *Catesbyes* in *Lodbrooke*, and other places of *Warwickshire*; but supposed to be mistaken, or to signify the same with *Ward-mony*. See *Ward-peny*.

Swepage. Is the Crop of Hay got in a Meadow, called also *The swape* in some parts of England, *Co. on Lit.* fol. 4.

Swatha, Sax. *Swath*, a *Swathe*, or as in Kent a *Swath*, in some parts a *Swath*, i. e. a straight row of cut Grass or Corn, as it lies after the Scythe at first Mowing of it. A *Swathe* of Meadow was a long narrow slip of Ground, like a *Selson* in Arable Land. *William Barward* sold his part of five *Swaths* in a Meadow called *Bikemore*—*dua Swathes disti prati jacent ut sequitur—Et dua Swathes apud Mathams.* Paroch. Antiquit. p. 399. Hence in the North, a *Swath* Bank is a Swarth of new cut Grass, where a green swarth or furrow among Arable Land is call'd a *Swang*.

Swoling or **Suling** of Land, *Sulinga*, *solinga*, vel

swolinga terra, in Saxon *Suling*, from *sul* or *suth*, *aratum*; as to this day in the Western parts, a Plough is called a *Sul*, and a Ploughstaff a *Sulpaddle*. It is the same with *Carucata terra*, that is, as much as one Plough can Till in a year: A Hide of Land, though others say it is an uncertain quantity. — *Terram trium aratrum quam Cantiani Anglice dicunt, Three swolings.*

Sworn Brothers. *Fratres jurati.* Persons, who by mutual Oath covenanted to share each the other's Fortune. — *Statutum est quod ibi debent populi omnes Et gentes universa singulis annis, semel in anno scilicet, convenire, scilicet in capite Calendarum Maii, Et se fide sacramento non frastro ibi in unum Et simul confederare Et consolidare, sicut conjurati Fratres.* Leg. Edw. Conf. cap. 35. In any notable Expedition to invade and conquer an Enemies Country, it was the custom for the more eminent Soldiers of Fortune, to engage themselves by reciprocal Oaths to share the Rewards of their Service. So in the Expedition of Duke William into England, Eudo and Pinco were sworn Brothers, and Co-partners in the Estate which the Conqueror allotted to them. So were Robert de Oily and Roger de Iweri—*Robertus de Oleio Et Rogerius de Iweri Fratres jurati, Et per fidem Et sacramentum confederati venerunt ad conquestum Anglie.* Paroch. Antiquit. p. 57. No doubt this practise gave occasion to our Proverb of Sworn Brother, and Brethren in Iniquity, because of their dividing Plunder and Spoil.

Swb and som. *Pax Et securitas.* And accordingly we read in the Laws of King Canutus, cap. 17. *Eallum, Ciprenum, Mannum ry6, rom gemene*, that is, *Omnibus Christianis Pax Et securitas communis esto.*

Sylva cedua. Wood under twenty years growth; Coppice-wood. See the Statute 45 E. 3. cap. 2. It is otherwise called in Law-French *Sub-bois*, 2 Infl. fol. 642.

Synod. *Synodus.* A Meeting or Assembly of Ecclesiastical Persons concerning Religion, of which there are four kinds: 1. *General*, where Bishops, &c. meet of all Nations. 2. *National*, where those of one Nation only come together. 3. *Provincial*, where they of one only Province meet. 4. *Diocesan*, where those of but one Diocess meet. See *Convocation*, which is all one with a *Synod*, only the one is a Greek, and the other a Latine word.

Synodal. *Synodale.* Is a Tribute in Mony, paid to the Bishop, or Arch-deacon, by the Inferior Clergy at Easter Visitation; and it is called *Synodale quia in synodo frequentius dabatur*. The Impropriation of *Derehuit* in *Com. Glouc.* pays yearly 7 s. 9 d. *Pro Synodaliibus Et Procuracionibus.* Pat. 20 July 34 H. 8. *Et quod sint quieti a Synodaliibus Et ab omni Episcopali consuetudine excepto denario beati Petri.* Mon. Ang. 2. par. fol. 276. See the *Historical Discourse of Procuracion and Synodals*, pag. 65. Et 98. These are called otherwise *Synodals* in the Statute of 32 Hen. 8. cap. 16. yet in the Statute of 25 H. 8. cap. 19. *Synodals Provincial* seems to signify the Canons or Constitutions of a Provincial Synod. And sometimes *Synodale* is used for the Synod itself.

Synodales testes. The Urban and Rural Deans were at first so call'd, from informing and attesting the disorders of Clergy and People in the Episcopal Synod. But when they sunk in their Authority, the Synodical Witneses were a sort of impannell'd Grand Jury, to inform of, or present Offenders, a Priest and two or three Lay-men for every Parish. At last two principal Persons for each Diocess were annually chosen, till by degrees this Office of Inquest and Information was devolv'd upon the Church-Wardens. See *Kennett's Parochial Antiquit.* p. 649. *Synodale* *juva-*

juramentum, was the solemn Oath taken by the said *Testes*, as is now by Church-Wardens to make their Presentments.

T.

T Every Person convict of any other Felony (save *T. Murder*) and admitted to the benefit of his Clergy, shall be marked with a T. upon the brawn of his left Thumb, Anno 4 H. 7. cap. 13.

T. R. E. *Tempore Regis Edwardi*. These initial Letters have this continual note of time in the *Doomsday Register*, where the valuation of Mannors is recounted, what it was in the time of *Edward the Confessor*, and what since the Conquest. As in *Oxford*—*Manerium de Burcestre, T. R. E. valuit quindecim libras, modo sexdecim.*

Tabernaculum, A publick Inn, or House of Entertainment. *Memorandum quod die Martis proxime ante Festum Sancti Gregorii Anno Regni Regis Edwardi Fil. Reg. Edwardi secundo. Magister Gilbertus de Se-grave Archidiaconus Oxon. recepit dimidiam marcam pro procuratore sua in visitatione sua apud Shulstone—quo quidem die Martis jacuit in tabernaculo disci loci. Consuetud. Domus de Farendon, MS. f. 48.*

Tabard, Tabarder, The Bachelor Scholars on the Foundation of *Queens College, Oxford*, are call'd *Tabiters*, or *Tabarders*: of which name there is a little Dissertation by *Thomas Barlow, S. T. P.* Provost of the said College, and afterwards Bishop of *Lincoln*, which, among other Letters and little Tracts, is now in the hands of the Reverend Mr. *Offley*, Rector of *Middleton, Com. Oxon.* and Prebendary of *Lincoln*, late Chaplain to the said Bishop. Out of which Dissertation, I shall transcribe somewhat for the instruction, or at least diversion of the Reader.

That our Scholars were call'd *Tabiters* (so we now pronounce the name) from a kind of Gown they wore, I make no question. And that Gown was then call'd a *Tabert* or *Tabarr*, or *Tabard*—For, 1. *Vershegan* tells us, *Tabert* anciently signified a short Gown that reach'd no farther than the mid Leg, and that it remains for the name of a Gown in *Germany*, and in the *Netherlands*. And in *England*, it is now the name only of an Herald's Coat. 2. *Edward Bolton* (Element of Armories, p. 67.) speaking of the Monument of *Edward the Black Prince* at *Canterbury*, tells us, That there he hath on his quilted Coat *Armor* with half Sleeves *tabard* fashion; and in his Glossary, at the end of his Book, explains the word as *Vershegan* doth. 3. In Spanish I meet with *Tavardo*, which is rendred by *Minsheu* in his Spanish Dictionary, a kind of garment like a Coat; the word he takes not to be a pure Spanish word, but an Arabick or Moorish word. 4. In French we know that *Tabarre* signifies the same, and is rendred by *Cotgrave* a long riding Cloak or Garmēt. So that the Spanish *Tavardo*, and the French *Tabarre*, and the Teutonick and Saxon *Taber* or *Tabord*, signifie all the same thing, a kind of Garmēt, &c.

Tac, Tak, Thistleac, *Custumarius* in *Bosbury* debet quasdam consuetudines videl. Tak & Toll, & *Baldsey*, & sanguinem suum emere. Blount of Tenures, p. 155.—In manerio de *Thurgaston Com. Not.* Siquis tenentium occiderit porcum unius anni solvebat Domino unum denarium vocatum Thistleac, ib. p. 153.

Tacfe, Free from the common Duty or Imposition of *Tak*.—Cum *Housbold* & *Haybold* & *Tacfe* de omnibus propriis parvis suis infra omnes metas de *Cokishul*. Letter of *T. Mainwaring* to Sir *P. Leicester*, 800. p. 14.

Tabellion, Tabellio, A Notary Publick, or Scrivener, allowed by Authority to ingross and register private Contracts and Obligations, *Mat. Paris* f. 424. De anno 1236. hath these words, *Quoniam Tabellionum usus in Regno Angliæ non habetur, propter quod magis ad sigilla authentica credi est necesse, ut eorum copia facilius habeatur, statumms ut sigillum habeant non solum Archiepiscopi sed eorum officiales.*

Tabling of Fines, Is the making a Table for every County where his Majesties writ runs, containing the Contents of every *Fine* passed in any one Term, as the name of the County, Towns and Places, wherein the Lands or Tenements lye; the name of the Demandant and Desorcean, and of every Mannor named in the *Fine*. This is to be done properly by the Chirographer of *Fines* of the *Common Pleas*, who every day of the next Term, after the ingrossing any such *Fine*, must fix every of the said Tables in some open place of the said Court, during its sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect content of the Table so made for that Shire, in the Term next before the Assises for that County, or else between the Term and the Assises, to be set up every day of the next Assises in some open place of the Court, where the Justices of Assises shall then sit, and to continue there during their sitting: And if either the Chirographer or Sheriff fail herein, he shall forfeit 5 li. And the Chirographers Fee for every such tabling is four pence, 23 Eliz. cap. 3. and *West Symbol*, part 2. tit. *Fines*, sect. 130.

Table-Rents, Redditus ad mensam. Rents paid to Bishops or Religious Prelates, reserv'd or appropriated to their Table or House-keeping. Such Rents paid in *Specie*, or Provision of Meat and Drink, were sometime call'd *Bord-Land Rents*.

Tabula, A prescribed form or directory in Cathedral Churches, drawn up at the beginning of each Week by the *Hebdomadary*, appointing the several Persons and their several Parts in the Offices of the following Week; which Persons so nominated and allotted to respective Duties were call'd *Intabulati*.—*Sacerdotibus injungimus quod cum intabulati fuerint tabulam in legendo & cantando sequantur Statut. Eccl. Paulinæ, MS. f. 546.* See *Ebdomadarius*, who was the Officer deputed commonly to this Care, and was therefore call'd *Scriptor Tabule*, and for the more equal discharge of his Office, it was thus Ordin'd—*Scriptori Tabule in virtute obedientie—injungimus, quod officium suum fideliter exequatur, ita quod unum per fraudem seu malitiam non oneret & alteri gratiam indebite deferat seu favorem, sed circa intabulandos rectum ordinem sine saltu & equitatem omnimodam studeat observare—ib. f. 55. a.*

Tall, Talia, Tallia, A Tally or piece of Wood cut with Indentures or Notches in two corresponding parts, of which one kept by the Creditor, the other by the Debtor. As now used by our Brewers, &c. and was formerly the common way of keeping all Accounts.—*Ut patet per talliam contra Willielmum Spinan collectorem redditus ejusdem anni, &c. Paroch. Antiq. p. 571.* Hence to tell Money. Old English, a tal'd Sum. The tale of Money. Tale and Retail of Goods. The Tallier (Talliator) of the Exchequer, whom we now call the Teller.

Taille, Tallium, May come from the French word *Taille*, i. *sestura*, and in our Law signifies two several things, both grounded upon one reason, *Flounden*, fol. 251. *Willions Case*. First, It is used for the Fee, which is opposite to *Fee-simple*, by reason it is so miniced or parted as it were, that it is not in the Owners free power to dispose, but is by the first Giver cut or divided

divided from all others, and tyed to the issue of the Donce, *Co. lib. 4. in Proamis*: And this limitation of tail is either general or special. Tail general, is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten; and it is so called, how many Wives soever the Tenant holding by this Title shall have, one after another in Lawful Marriage; his Issue by them all have a possibility to inherit one after another. Tail special, is when Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two Bodies Begotten; and hath this term of special, because if the Man bury his Wife before Issue, and take another, the Issue by his second Wife cannot inherit the Land, &c. Also if Land be given to a Man and his Wife, and to their Son Thomas for ever; this is Tail special. See more of this in *Fee*, and *Lit. lib. 1. cap. 2.* and the *New Book of Entries*, verb. Tail. Tail in the other signification is that we vulgarly call a Tally; For *une taille de bois* is a cloven piece of wood, to set up an account upon by Nicks; for in the Statute 10 E. 1. cap. 11. and 27 E. 1. stat. 1. cap. 2. It is termed a Tail, and 38 E. 3. cap. 5. and so in *Brokes Abridgment*, tit. Tail d'Exchequer, fol. 247. See *Tailles*.

Tail after possibility of Issue extinct, Is, where Land is given to a Man and his Wife, and to the Heirs of their two Bodies engendred, and one of them over-lives the other without Issue between them begotten; he shall hold the Land for term of his own life, as Tenants in the tail after possibility of Issue extinct, and notwithstanding that he do waste, he shall never be impeached of it. And if he alien, he in the Reversion shall not have a Writ of Entry in *consimili casu*, but he may enter, and his Entry is Lawful, by *R. Thorpe* chief Justice, 28 E. 3. 96. & 45 E. 3. 25.

Tailles, Tallia, Are Tallies, of which we spoke before: Of these two sorts are mentioned in our Statutes, to have been long used in the Exchequer, the one is termed *tailes* of Debt, Anno 1 Rich. 2. cap. 5. which are a kind of Acquittance for Debt paid to the King. As for example, The University of Cambridge payeth yearly ten pounds for such things as are by their Charter granted them in Fee-farm, viz. 5 li. at the Annunciation, and 5 li. at Michaelmas. He that pays these sums, receiveth for his Discharge a Talle or Tally at each day, with both which, or notes of them, he repairs to the Clerk of the Pipe-Office, and there instead of them, receiveth an Acquittance in Parchment for his full Discharge. The other are *Tailles* of Reward spoken of 27 H. 8. 11. & 33 & 34 H. 8. 16. and 2 & 3 E. 6. cap. 4. which seem to be *Tailles* or *Tallies* of allowances, or recompence made to Sheriffs for such matters, as to their Charge they have performed in their Office, or for such Monies as they by course have cast upon them in their Accounts, but cannot levy, &c. See 2 & 3 E. 6. cap. 4. There are also *Tallies* of Debt used among Subjects, *Et si creditor habet Tallem, oportet creditorem probare illam per convicinos suos vel per alios, per quorum fidelitatem Ballivi & alii praesentes illa tempore in Curia positam habere possunt, & si Creditor petat debitum per vocem suam simplicem tunc debitor potest esse ad suam legem manifestatam.* M.S. Codex de LL. Statutis, &c. Burgi villa Montgomer. a temp. H. 2.

Tallage. See *Tallage*.

Taint, *Attrintus*, Cometh of the French *Teint*, i. *infectus*, and signifies substantively, either a Conviction, or Adjectively a person convicted of Felony or Treason, &c. See *Ataint*.

Tales. Is a Latin word of known signification, and used in our Law for a supply of Men impanelled upon a Jury or Inquest, and not appearing, or at their appearance challenged by either Party as not indifferent;

in which case the Judge, upon motion, grants a supply to be made by the Sheriff of one or more such there present; and hereupon the very act of supplying is called a *Tales de circumstantibus*. But he that hath had one *Tales* either upon default or challenge, may not have another to contain so many as the former: For the first *Tales* must be under the principal Panel, except in a Cause of Appeal, and so every *Tales* less then other, until the number be made up of Men present in Court, and such as are without exception: yet this general Rule is not without some exceptions, as appears by *Stamford*, Pl. *Cor. lib. 3. cap. 5.* These commonly called *Tales* may in some sort, and indeed are called *Meliores*, viz. when the whole Jury is challenged, as appears by *Bro. tit. Off. tales, & auter tales*, fol. 105. See *Co. lib. 10. fol. 99. Benfage's Case*.

Tales, Is also the Name of a Book in the King's Bench Office, of such Jury-men as were of the *Tales*, *Co. lib. 4. fo. 93.*

Tallage, *Tallagium*, May be derived of the French *Taille*, which properly signifies a piece cut out of the whole, but metaphorically is used for a share of a mans Substance paid by way of Tribute, Toll or Tax, *Stat. de Tallagio non concedendo temp. E. 1.* And *Stow's Annals*, pag. 445. Thence come *Tallagiers* in *Chaucer* for Tax or toll-gatherers. See *Subsidy*. *Tallage*, says *Coke*, is a general word for all Taxes, 2 *Inst. fo. 532.* But Tenants in ancient Demesne, are quit of these Taxes and Tallages granted by Parliament, except the King do Tax ancient Demesne, as he may when he thinks good, for some great cause.

Tallies. See *Talles*.

Tallise. See *Talwood*.

Tallia. Every Canon and Prebendary in our old Cathedral Churches, had a stated allowance of Meat, Drink, and other Distributions, to be delivered to him *per modum tallia*. Hence their Commons or set Allowance, in Meat or Drink, was call'd *tallia*. As in the Statutes of the Cathedr. Church of *Pauls*, collected by *Ralph Baldok*, Dean about the Year 1295. — *Sciendum est quod non residens Canonicus desingens per annum integrum a die sui obitus computandum talliam suam integram panis & cervisia in braciis percipiat.*

Tallatto, The keeping Account as by Tallies of all Battles or Delivery of Meat and Drink. By the Statutes of the Church of *St. Paul* in London, it was ordain'd, *Ut Custos Bracini claves panetie & cellarii penes se custodiat, & liberationes supervideat, & tallationes faciat per seipsum nisi rationabiliter fuerit impeditus.* Liber Statut. Eccl. Paulina, MS. f. 40. a.

Tallati de certo tallagio, To be assess'd or taxed at such a rate or due proportion, toward the Tallage imposed by the King on his Barons and Knights, and by them on their inferior Tenants. See *Kennett's Paroch. Antiquit.* in Glossary.

Tallagium facere, To give up Accounts in the Exchequer, where the method of Accounting is by Tallies. — *Cum Vicecomes Cumbria federet super comitum ad Seaccarium apud Salop. idem Vicecomes fecit tallagium sub nomine suo 60. libr.* — Memorand. in *Seaccario Mich. 6. Ed. 1. by Sir John Maynard.*

Talwood, Is Fire-wood chest, and cut in Billets of a certain length. See the Statutes 34 & 35 H. 8. cap. 3. 7 E. 6. cap. 7. Every *Talshide* marked one, being round bodied, shall contain thirteen inches of *Alsh* in compass, &c. See Anno 43 Eliz. cap. 14.

Tangier, An ancient City of Barbary, lying within the Kingdom of Fesse, mentioned in the Statute 15 Car. 2. cap. 7. and is now part of the Dominion belonging to the Crown of England.

Tanidry, Is a Law or Custom in some parts of *Ireland*, of which *Sir John Davies* in his Reports, fol. 28.

thus, Quant aucun person seisse de aucuns Castles, Mannors, Terres ou Tenements del nature & tenure de Tanistry, que donques meisme les Castles, &c. dont descendre, & de temps dont memory ne court ont use de descendre, Seniori & Dignissimo viro Sanguinis & cognominis, de tiel person issint morant seisse & que le file ou les files de tiel person issint morant seisse de tous temps avant dit, ne fueront inheritables de tiels terres ou tenements, ou de aucun parte de eux. The Name seems to be derived from *Thanus*. See Sir James Ware's *Antiquitates Hibernia*, pag. 38.

Tannare, To Dress or Tan Leather. Prior de Tynemuth habet commonachos suos Mercatores coriorum recentium per patriam, qui cum ea comparaverint; apud Preston tannare faciunt & inde naues vel batella apud Sheles onerant. Placit. Parliam. 18. Ed. 1.

Tapenarius, A seller of Tapestry, an Upholsterer. — De quolibet tapenario per totum tempus ferie (i. l. Winton) unum denarium. Pat. 2 Edw. 4. P. 6. M. 6.

Tartaron, The word is mentioned in the Stat. 4 Hen. 8. cap. 6. and seems to denote some kind of fine stuff or silk.

Tappa, See *Bosium*.

Tare and Tret, The first is the weight of Box, Straw, Cloths, &c. wherein Goods are packed. The other is a consideration allowed in the weight for waste, in emptying and re-selling the Goods. See the *Book of Rates*.

Tasels, Is a kind of hard Bur used by Clothiers and Clothworkers, in dressing of Cloth, Anno 4 E. 4. cap. 1.

Tassum, A Mow or Heap from the French *Tasser*, to pile up. *Commissio facta fuit Roberto Hadham ad vendend. blada & alia bona diversarum Abbatiarum alienigenarum, qui venit & cognovit, quod vendidit blada Prioris de Tickford in garbis in duobus tassis existens. pro 10 li. &c. Hill. 25 E. 3. Coram Rege, Rot. 13.*

Tath, In Norfolk and Suffolk, the Lord of each Mannor had the Privilege of having their Tenants Flocks of Sheep brought at Night upon their own Demefine Ground, there to be foulded for the benefit of their Dung, which liberty of so improving their Land is called *Tath*. Vid. *Spelman ICENIA*.

Tax, *Taxa*, May be fetched from the Greek *τάξις*, *ordo*, because it was a thing done orderly and moderately. It was such a Tribute as being certainly rated upon every Town, was wont to be yearly paid, but now not without consent in Parliament, which was first granted by Edward the First, in the Twenty fifth year of his Reign, cap. 5. It differs from a Subsidy in this, that is alway certain, as it is set down in the Exchequer-Book, and levied in general of every Town, and not particularly of every Man. It is also called a *Fifteenth*, Anno 14 E. 3. stat. 1. cap. 20. and 9 H. 4. cap. 7. See *Gilde*, *Subsidy* and *Fifteen*, and also *Camd. Brit.* pag. 304.

Taxatio Bladorum, An Imposition laid upon Corn.

Ad taxam operarius, A Tasker, *Triturator ad taxam*, A Thrasher in the Barn, who Works by the great, or by the measure, not by the day. — Et in solutis Johanni Leseby trituranti ad taxam xlv. quartaria frumenti ut parer per talliam hoc anno, capiendi pro quolibet quarterio iij. den. ob. Paroch. Antiquit. p. 576.

Taxatio Rectorialis, The valuation of Ecclesiastical Benefices made through every Diocese in England, on occasion of the Pope's granting to the King the tenth of all Spirituals for three years. Which Taxation was made by Walter Bishop of Norwich, delegated by the Pope to this Office in 38 Hen. 3. and obtain'd till the 19th of Edw. 1. when a new taxation advancing the value, was made by the Bishops of Winchester and Lincoln.

Taxers, Two Officers yearly chosen in Cambridge, to see the true Gage of all Weights and Measures: The Name took beginning from taxing or rating the Rents of Houses, which was anciently the Duty of their Office.

Tea, Is a kind of potable Liquor, lately used in England, and introduced from China and the East-Indies, being made of the Leaf of a Shrub growing in those parts. See 12 Car. 2. cap. 15.

Teame and **Theme**, or **Tem** and **Theme**, Signifies a Royalty granted by the King's Charter to the Lord of a Mannor, for the having, restraining and judging Bondmen, Neifes, and Villains, with their Children, Goods and Chattels in his Court. *Theme est quod habeatis totam generationem villanorum vestrorum cum eorum seclis & catallis ubicunque inventi fuerint, excepto quod si natus quietus manserit per unum annum & unum diem in aliqua Civitate vel villa privilegiata, ita quod in eorum communitatem & libertatem transferit. Qui autem jurisdictionem habent hujusmodi curiam de Theme, i. de natis vel servis dicuntur habere, &c.* *Spelman* in the Laws of Edward the Confessor, cap. 21. & 25. says, *Significare videtur jurisdictionem cognoscendi in Curia sua de advocacionibus sive interdictis, i. de vocatis ad Warrantiam.* See *Glavil*, lib. 5. cap. 2. and *Gloss.* in 10 *Scriptores*. See also *Bracton*, lib. 3. tract. 2. cap. 8. num. 25. and *Skene de verbor. Signif. verb.* *Theme*. See *Hennmagium*.

Teding-penny, *Tething-penny*, *Therding-penny*, *Tithing-penny*, A small Tax or Allowance to the Sheriff from each Tithing, toward the charge of keeping Courts, &c. from which Duty some of the Religious were exempted by express Charter from the King. As Hen. 1. to the Abby of Reading, *Abbas & Monachi de Radinge habeant omnia tenementa sua queta de tributis & lestagiis de tedinpeni & tinpeni de summationibus, de assisis, &c.* *Chartular. Abbat. Reading. MS. f. 2. a.*

Teinland, *Teinlanda*, *Tainland* or *Thainland*, as if we should say the Land of a *Thane* or Noble Person. Breve Regis Willielmi Junioris, lib. Rames, feli. 178.

— *Willielmus Rex Anglia W. de Cabanis salutem; Precipio tibi ut facias convenire suam de Hamtona & judicio ejus cognosce si terra de Isham reddidit firmam Monachis sancti Benedicli tempore Patris mei; & si ita invent. fuerit, sit in Domino Abbatis. Si vero Teinlanda tunc fuisset invenientur, qui eam tenet de Abbate, teneat & recognoscat, quod si noluerit, eam Abbas in Domino habeat & vide ne clamor inde amplius ad nos redeat, Teste W. Episc. Dunelm.* Where *Teinlanda* seems to signifie Terra *Hereditaria* & colorum servituti obnoxia. According to *Doomsday*, Land holden by Knights-service was called *Teinland*, and Land holden in *Socage*, *Rebeland*, Co. on *Lit. feli. 117*.

Tetra, See *Tierce*.

Teller, Is an Officer of the Exchequer, of which there are four; whose Office is to receive all Monies due to the King, and to give the Clerk of the Pell a Bill to charge him therewith. They also pay to all persons any Money payable by the King, by Warrant from the Auditor of the Receipt, and make Weekly and Yearly Books, both of their Receipts and Payments, which they deliver to the Lord Treasurer.

Telonium. See *Thelonium*.

Telontum, A Toll-Booth. *Cuthbertus Tonstall Telonium Anglice, the Toll-Booth, in foro Dunelmensi construxit. Hist. Dunelm. apud Whartoni Angl. Sac. P. 1. p. 783.*

Tementale, A Tax of two shillings upon every Plough-Land. — Anno 1193. primo die Aprilis predictus Rex Anglia (i. e. Ricardus) celebravit tertium diem colloqui sui (videl. in Concilio apud Nottingham) in quo constituit sibi dari de unaquaque carucata terra totius

tem Anglia duas solidos quod ab antiquis nominatur Te-mentale. Hoveden. Hist. f. 419.

Templers, or Knights of the Temple, Templarii, Was a Religious Order of Knighthood, instituted about the year 1119. and so called, because they dwelt in a part of the Building belonging to the Temple of Jerusalem, and not far from the Sepulchre of our Lord. They flourish'd here from Henry the Second's Days till they were suppressed. See *Knights of the Temple.*

Temporalities of Bishops, Temporalia Episcoporum, Be such Revenues, Lands, and Tenements, and Lay-fees, as have been laid to Bishops Sees, by Kings and other great Personages of this Land, from time to time, as they are Barons, and Lords of the Parliament. See *Spiritualities of Bishops.* & From the 31 Ed. 1. to the time of Reformation, a custom did obtain, that when Bishops received from the King their *Temporalities*, they did by a solemn form in writing renounce all right to the said *Temporalities* by virtue of any Papal Provision, and acknowledged the receipt of them only owing to the King's Bounty. This practise began on the occasion of a Bull of Pope Gregory 8. which conferr'd the See of Worcester upon William de Gainesborough, and committed to him Administrationem Spiritualium & Temporalium Episcopatus praestigi. — Which clause the King obliged him to renounce, and ordered a like Renuntiation to be always observed.

Tempratio, Tentatio, Assay or Trial. *Tempratio panis fiat bis in anno. Cart. 20 Ed. 1. n. 51.*

Tempus pinguetudinis & firmationis, Et sciendum quod tempus pinguetudinis his computatur inter festum beati Petri ad Vincula & Exaltationem Sanctae Crucis, & tempus firmationis inter festum sancti Martini & Purificationem Beatae Mariae. The first is the Season of the Buck, the latter of the Doe. See *Firnisona.*

Tenantes, Are Houses of Habitation, or places to live in, held of another. See 23 Eliz. cap. 4.

Tend, Seems to signifie as much as to offer, shew forth or endeavour; as to tend the Estate of the Party of the Demandant, *Old. Nat. Brev. fol. 123.* To tend an Adverment, *Britton, cap. 76.* To tend to traverse, *Stamf. prerog. fol. 96.*

Tender. May seem to come from the French *Tendre*, i. *tener, delicatus*, and used adjectively, signifies the same with us in English: But in a legal sense it denotes as much as carefully to offer, or circum-spectly endeavour the performance of any thing belonging to us. As to *tender rent*, is to offer it at the time and place where and when it ought to be paid. To tender his Law of Summons, *Kitchin, fol. 197.* Is to offer himself ready to make his Law, whereby to prove that he was not summoned. See *Law.* See *Make.*

Tenementis Legatis, Is a Writ that lies to London, or any other Corporation, (where the Custom is, That Men may demise Tenements as well as Goods and Chattels by their last Will,) for the hearing any controverſie touching the same, and for rectifying the wrong, *Reg. Orig. fol. 244.*

Tenant or Tenent, Tenens, From the Latin *Tenere*, to hold; Signifies one that holds or possesses Lands or Tenements by any kind of Right, either in Fee, for Life, Years, or at Will. The word in Law is used with divers additions, as *Tenants in Dower*, which is she that possesses Land by virtue of her Dower, *Kitchin, fol. 160.* *Tenant per Statute-Merchant*, that holds Land by virtue of a Statute forfeited by him, *Ibid. fol. 172.* *Tenant in Frank-marriage.* *Ibid. fol. 158.* He that holds Lands or Tenements by virtue of a Gift thereof made to him upon Marriage between him and his Wife. *Tenant by the Courtſie, Id. fol. 159.* That

holds for his Life, by reason of a Child begotten by him of his Wife, being an Inheriatrix, and born alive. *Tenant by Elegit*, that holds by virtue of the Writ called an *Elegit.* *Tenant in Mortgage*, that holds by means of a Mortgage. *Tenant by the Verge* in ancient Demefne (*Id. fol. 81.*) is he that is admitted by the Rod in the Court of ancient Demefne. *Tenant by Copy of Court-Roll*, Is one admitted *Tenant* of any Lands, &c. within a Mannor, which time out of mind have been demisable, according to the Custom of the Mannor, *West. Symbol. part 1. lib. 2. sect. 646.* *Tenant by Charter*, Is he that holdeth by Feoffment in Writing, or other Deed, *Kitchin, fol. 57.* There was also *Tenant by Knight-service*, *Tenant in Burgage*, *Tenant in Socage*, *Tenant in Frank-fee*, *Tenant in Villenage.* So is there *Tenant in Fee-simple*, *Kitchin, fol. 150.* *Tenant in Fee-tail*, *Id. fol. 153.* *Tenant at the will of the Lord*, according to the Custom of the Mannor, *Id. fol. 132. & 165.* *Tenant at Will by the Common Law*, *Ibid.* *Tenant upon Sufferance*, *Ibid.* *Tenant of Estate of Inheritance*, *Stamf. Prærog. fol. 6.* *Tenant in Chief*, that holdeth of the King in right of his Crown, *F. N. B. fol. 5.* *Tenant of the King*, Is he that holds of the Person of the King, *Ibid.* or as some Honour, *Ibid.* *Very Tenant*, that holds immediately of his Lord, *Kitchin, fol. 99.* For if there be Lord, Mesne and Tenant, the Tenant is very Tenant of the Mesne but not to the Lord above: *Tenant Peravale.* See *Peravale*, *Pl. Cor. 197.* and *F. N. B. fol. 136.* See *Dyer's Com. fol. 25. num. 136.* So there are also *Joynt-tenants*, that have equal Right in Lands and Tenements, by virtue of one Title, *Lit. lib. 3. cap. 3.* *Tenants in common*, that have equal Right, but hold by divers Title, *Ibid. cap. 4.* *Particular tenant*, *Stamf. Prærog. fol. 13.* that holds only for this term. See *Coke in Sir Will. Pelham's Case, lib. 1. fol. 15.* called *Termor for life or Years.* See *Plowd. Cothriff's Case, fol. 23.* *Sole tenant*, *Kitchin, fol. 134.* He that hath no other joynd with him. Several tenant is opposite to *Joynt-tenant*, or *Tenants in Common.* *Tenant al Practice*, Is he against whom the Writ *Practice* is to be brought, *Co. Rep. lib. 3. Case Of Fines, fol. 88.* *Tenant in Demefne*, 13 E. 1. cap. 9. 32 H. 8. cap. 37. Is he that holdeth the Demesns of a Mannor for a Rent without Service. *Tenant on Service*, 20 Ed. 1. stat. 1. Is he that holdeth by Service. Vide *Britton, cap. 79. in principio & cap. 96.* *Carfealty*, &c. *Tenant by Execution*, 32 H. 8. cap. 5. that holds Land by virtue of an Execution upon any Statute, Recognition, &c. with divers others.

Tenchebra, A Saxon word signifying Decanus, caput vel Princeps, decuria Leg. Edw. Conf. cap. 29. Statuerunt Justiciarios super quosq; decem friborgos, quos Decanos possimus appellare, Anglice vero tihenheofod, disli sunt. See *Frank-pledge.*

Tenement, Tenementum, Signifies most properly a House or Home-stall; but more largely either for a House or Land that a Man holdeth of another, and joynd with the Adjective *Frank*, it contains Lands, Houses, and Offices, wherein we have Estate for term of life or in Fee: And in this sense, *Kitchin, fol. 41.* makes *Frank-Tenement* and *base Estate* opposite to each other. In the same sort *Britton* uses it, cap. 27. as also *Braſſon* doth the Latine *liberum tenementum*, lib. 1. cap. 5. & 6.

Temerary Land, The Saxon *Thanes* who possess'd Boeland, or Hereditary free Estates, divided them into two sorts, *Inland* and *Outland.* The *Inland* was the Demains which the Lord kept in his own hands. The *Outland* was granted out to Tenants under Arbitrary Rents and Services, and therefore call'd *Temerary Land*, the *Tenants Land*, or the *Tenancy.* See *Spelman of Feuds, cap. 6. 7.*

Tentista, Tennis-Play. Rex Henricus 5. villam de Harefete terra maris; obsidione circumdant immensis petrarum molibus ultra muros per Machinas bellicas introjectis, quasi ludendo cum Francigenis, ut vulgo dicitur ad Tennis, ipsos acriter impugnabat. Hist. Croyland Contin. p. 500.

Tentibus in assitis non onerandis, &c. Is a Writ that lyeth for him to whom a Disseisor hath alienated the Land, whereof he disseised another, that he be not molested for the Damages awarded, if the Disseisor have wherewith to satisfy them himself, Reg. Orig. 214.

Tennantale. A Saxon word signifying *Decuria Tythinga*, Leg. Edw. Conf. cap. 20. Et sint quieti de Geldis & Danegeldis & thenemanatale & concelationibus & scottis, &c. Cart. 29 Ed. 1. Abbat. de Thornewton. See Friburgh.

The tenor of these presents, Tenore presentium, Is the matter contained therein, or rather the true intent and meaning thereof, as to do such a thing according to the tenor of a writing, is to do the same according to the true intent and meaning thereof.

Tentare. To teen, to fence or hedge in—*Licet Abbati & Conventui de Rading includere, fossare, & tentare predium pratum quibuscumque, modis melius viderint.*—Cartular. Radiges, MS. f. 102.

Tenore indictment mittendo, Is a Writ whereby the Record of an Indictment and the Process thereupon is called out of another Court into the Chancery, Reg. Orig. fol. 169.

Tenths. *Decima,* Are that yearly Portion or Tribute which all Ecclesiastical Livings pay to the King; for though the Bishop of Rome does originally pretend Right to this Revenue, by the example of the High Priest among the Jews, who had *Tenths* from the Levites, Numb. cap. 8. Hierom. in Ezech. Yet we read in our Chronicles, That these were often granted to the King by the Pope upon divers occasions. Sometimes for one year, sometimes for more, till by the Stat. 26 H. cap. 3. they were annexed perpetually to the Crown. See *Dismes*. It signifies a Tax also levied of the Temporality, 4 Inst. fol. 34.

First Fruits and Tenths were first on occasion given, and gradually by Custom claim'd, as an Acknowledgment to the See of Rome. The Tenths of all Ecclesiastical Benefices in England were first allow'd by Pope Innocent iv. to K. Hen. 3. An. 1253. for three years; which occasion'd the Norwich taxation An. 1254. This prov'd a great oppression to the Clergy, and was soon made more grievous. For when the Pope had again granted the Tenths to the King for three years, for a compensation of what they fell short of the expected value, the King in the 53d year of his Reign, Anno 1269. made the Clergy pay within those three the Tenths of four years. And again, Anno 1288. 16 Ed. 1. when Pope Nicholas iv. granted this favour to the Crown for six years, toward an Expedition to the Holy Land; that they might be then collected to the full value, a new taxation by the King's Precept was begun An. 1288. and finished An. 1291. 20 Ed. 1. by the Bishops of Lincoln and Winchester. For a particular Account whereof, see Mr. Kennett's *Paroch. Antiquit.* p. 315.

Tenter, A stretcher, tryer or prover, which Dyers and Clothiers use, Anno 1 R. 3. cap. 8. but prohibited by 39 Eliz. cap. 20.

Tenure, Tenura, And is properly derived from the Latin *tenere*, to hold, and accordingly in the *Grand Customary of Normandy*, cap. 28. It is thus defined, *Tenure* is the manner whereby Tenements are holden of their Lords; What may make a *Tenure*, and what not, see *Perkins* cap. 10. *Reservations* 70. And in that Chapter you shall find the most of those tenures

recited that be now usually in England. See *Crompt. Jur.* fol. 200. *New Book of Entries*, verb. *Tenure*. Mr. Fabian Philips's Book entituled, *Tenenda non tollenda*, and the Stat. 12 Car. 2. cap. 24. In Scotland there be four manner of tenures, the first is *pura Eleemosina*, proper to spiritual Men, paying nothing for it but *devota Animarum suffragia*. The second, they call *Few or Few-ferme*, which holds of the King, Church, Barons, or others, paying a certain Duty called *Feuda firma*. The third, is a hold in *Blench*, as they term it, by payment of a Penny, a Rose, or such like thing, if demanded in the name of *Blench*, id est, *nomine alba firma*. The fourth is by Service of Ward and Relief, where the Heir being minor, is in the custody of his Lord, &c. *Skene de verborum Signif. verb.* Haubert.

Terletum,—*Mandatum est Petro de Rivalis quod habere faciat Fratribus minoribus de Nottingham quinque terleta in foresta de Shirewode ad stalla sua facienda de dono Regis.* Claus. 26 H. 3. m. 3.

Term, Terminus, Commonly signifies the bounds and limitation of time, as a Lease for term of Life or Years, *Bract. lib. 2. cap. 6. num. 4.* But more notably it is used for that time wherein the Tribunals, or Places for Judgment are open to all that think fit to complain of wrong, or seek their own by due course of Law or Action, therest of the year is called *Vacation*. Of these Terms there be four in every year, during which time Matters of Justice are dispatched. One is called *Hillary Term*, *Terminus Sancti Hillarii*, which begins the 23d of January, or if that be Sunday, then the next day after, and endeth the 12th of February following. The second is, *Terminus Pasche*, *Easter-Term*, which begins the Wednesday fortnight after Easter-day, and ends the Monday next after Ascension-day. The third is, *Terminus Trinitatis*, *Trinity-Term*, beginning the Friday next after Trinity-Sunday, and ending the Wednesday fortnight after. The fourth is, *Michaelmas Term*, *Terminus sancti Michaelis*, which anciently began the Ninth of October; but by the Statute made 17 Car. 1. cap. 6. reduced to the twenty-third of October, unless it be Sunday, and then to the day after, and ends the 28th of November following. *Termini apud nos dicuntur certæ anni portiones agendis litibus designatæ.* See Spelman, *De origine & ratione terminorum forensium*.

Termini censuales, Rent Terms or Times, the four Quarterly Feasts upon which Rent was usually paid,—*Ego Johannes Filius Magistri Ade de Lincoln de Sancto Edmundo—concessi Johanni Abbati de S. Edmundo viginti solidatos quieti redditus—ad terminos censuales.*—*Ex Cartular. S. Edmundi* MS. f. 238.

Termonland, Seems to be the Glebe-land, or Land belonging to the Church, anciently so called.

Termor, Tenens ex termino, Is he that holds for term of Years or Life, *Kitchin*, fol. 151. *Littleton*, fol. 100.

Terra, It is to be observ'd, that in all the Surveys of Tenure in *Doomsday Register*, the word *Terra* is always taken for Arable Land, and always so distinguished from the *Sylva*, *Pratum*, &c. See *Kennett's Glossary* in *Terra*.

Terra Gilliflowata, Land held by the Tenure of paying a Gilliflower, MS.

Terra Normannorum, In the beginning of Hen. 3. such Land in England as had been lately held by some noble Norman, who by adhering to the French King, or Dauphin, had forfeited his Estate in this Kingdom, which by this means became an Escheat to the Crown, was call'd *Terra Normannorum*, and restor'd, or otherways dispos'd at the King's pleasure. —An. H. 8. 3. Rex Vicecom. Oxon. Salutem. Scias quod commissimus Thoma Basset manerium de Kirtlington que

quæ est Terra Normannorum.—*Paroch. Antiquit.*
p. 197.

Terra extendenda, Is a Writ directed to the Escheator, &c. willing to inquire and find out the true yearly value of any Land, &c. by the Oath of twelve men, and to certify the extent into the Chancery, &c. *Reg. Orig.* fol. 293.

Terra fructu, Fresh Land, or such as hath not lately been plowed.—*Continens* 40. *Acres terre fructu*, *pastura*, &c. *Mon. Ang.* 2. par. fol. 327. This is elsewhere written *terra frisca*.

Terra nova, *Sæpe legitur in Chartis feudalibus* & in *senfualibus schedulis*, vel pro terra noviter concessa, vel noviter assarta, *Prior Lew.* pag. 1. *Reddat pro nova terra*, 2 fol. *Spelm.*

Terra nobilita, Is used in old Charters for Land sown with Corn.

Terra sabulosa, Gravelly or sandy Ground: *Et prædictæ 24. acra terre valent per Annum 13 fol. & 4. denar.* & non plus, quia est terra sabulosa, *Inq.* 10 E. 3. n. 3. *Norw. in Terr. Lond.*

Terra Saurata. See *Putura*.

Terra Lucrabilis, Land that may be gained from the Sea, or enclosed out of a Waste to particular use. *Tam in Mora quam in terra Lucrabilis & Marias cum omnibus Piscariis suis*, *Mon. Ang.* part 1. fol. 406.

Terra excoltabilis, Land that may be tilled or plowed.—*Totam illam terram excoltabilem, quam habuit apud Norwicum in campis*, *Mon. Ang.* part 1. fol. 426.

Terra culta, Land that is tilled or manured, and terra inculta, uncultivated Land. See *Wacnoth*.

Terrage, *Terragium*, Edward the Third granted to John of Gaunt, and Blanch his Wife for their Lives, *Quod sint quieti de Theolonio, Passagio, Soccagio, Lastagio, Tallagio, Caruagio, Priscagio, Pickagio & Terragio*, which seems to be an exemption, à *Precariis*, viz. Boons of Ploughing, Reaping, &c. and perhaps from all Land Taxes.

Terrar. *Terrarium vel catalogus terrarum*, Is a Book or Roll, wherein the several Lands either of a single Person, or of a Town, are described, containing the quantity of Acres, Boundaries, Tenants Names, and such like, 18 *Eliz.* cap. 17. In the Exchequer there is a *Terrar.* of all the Glebe-lands in England made about 11 E. 3.

Terrarius, A Land-holder.—*Anno Regis W. 20. Rex tenuit Curiam suam apud Wintoniam ibiq. venerunt contra eum omnes Barones sui, & omnes Terrarii hujus Regni, qui aliquibus pretii erant, cujuscuq. feodi fuissent, & omnes homines Regis effecti sunt*, *Anno 1084.*—*Rex Wilhelmus accepit dominium omnium terrariorum Angliæ cujuscuq. feodi essent.*—*Annal. Waverle.*

Terrarius cenobialis, An Officer in Religious Houses, whose Duty perhaps was to keep a *Terrier* of all their Estates, or to have their Lands exactly surveyed and registered.—*Johannes de Nevil ad excitationem Richardi de Byrtley Terrarii, & Johannis de Cornwal Perceptorii fecit circa Festum Nativitatis S. Johannis Baptiste novum opus in Ecclesia Dunelmensi*, *Anno 1372.* *Hist. Dunelm.* apud Wharton *Angl. Sacri.* P. 1. p. 769. Mr. Davies in his *Rites and Monuments of Durham*, calls him the *Terrier*, and implies, That one part of his Office was to entertain the better sort of Guests: Possibly the Convent Tenants, when they came to pay their Rent, &c.

Terris bonis & catallis rehabendis post purgationem, Is a Writ that lies for a Clerk, to recover his Lands, Goods, or Chattels, formerly seized, after he hath cleared himself of that Felony, upon suspicion whereof he was formerly convicted and delivered to his Ordinary to be purged, *Reg. Orig.* fol. 68.

Terris liberandis, Is a Writ that lies for a Man convicted by Attaint, to bring the Record and Process before the King, and to take a Fine for his Imprisonment, to deliver him his Lands and Tenements again, and to release him of the *Strip and Waste*, *Reg. Orig.* fol. 232. It is also a Writ for the delivery of Lands to the Heir after Homage and Relief performed, *Ibid.* fol. 293. Or upon security taken that he shall perform them, *Ibid.* fol. 313.

Terris & catallis tentis ultra debitum levatum, Is a Writ Judicial, for the restoring of Lands or Goods to a Debtor that is distrained above the quantity of the Debt, *Reg. Jud.* fol. 38.

Terre tenant, *Terre tenens*, Is he who has the actual possession of the Land, which we otherwise call the *Occupation*, 39 *Eliz.* 7. For example, A Lord of a Mannor hath a Free-holder, who letteth out his Freehold to another to be occupied; this Occupier (having the actual possession) is called the *Terre-tenant*, *West Symbol.* part 2. tit. *Fines*, sect. 137. *Crompt. Jur. fol.* 194. *Britton*, cap. 29. *Perkins Feoffments* 231. *Terre* is a certain Measure of liquid things, as Wine, Oyl, &c. containing the sixth part of a Tun, 32 *H. 8.* 14. or the third part of a Pipe.

Terræ testamentales, Lands that were held free from feudal Services, in *Allodio*, in *Socage*, descendable to all the Sons, and therefore call'd *Gavelkind*, were devisable by Will, and thereupon call'd *Terræ testamentales*, as the Thane who possess'd them was said to be *testamento dignus*. Vid. *Sir Henry Spelman of Feuds*, cap. 5.

Tessio, Lat. *Taxus*, *Tassus*. Ital. *Tassò*, German. *Taiffon*, *Tesson*, a Grey, Broek, or Badger.—*Et omnia placita de leporibus, rebus, hyemellis, testonibus, vulpibus, &c.* *Blount of Tenures*, p. 89.

Terttau, A Measure containing fourscore and four Gallons, mentioned in the Statutes 1 *Ric.* 3. cap. 13. 2 *Hen.* 6. cap. So call'd because it is the third part of a Tun. A *Tierce* of Wine.

Tessa de Nevil, An ancient and authentick Record in the custody of the King's Remembrancer in the Exchequer, said to be compiled by *Jollan de Nevil* a Justice Itinerant in the 18. and 24. of *H. 3.* containing an account of all Lands held in grand or petty Serjeanty, with Fees and Elcheats to the King, &c. especially within the County of *Heresford*.—See Mr. *Nicholson's Engl. Library*, P. 3. p. 103.

Testament, *Testamentum*, Is thus defined by *Plowden*, *Testamentum est testatio mentis*, A Testament is a Witness of the Mind: But *Aulus Gellius*, lib. 6. cap. 12. denies it to be a Compound word, and saith, It is *Verbum simplex*, as *Calceamentum*, *Paludamentum*, &c. And therefore it may be thus better defined, *Testamentum, est ultima voluntatis juxta sententia, eo quod quis post mortem suam fieri vult, &c.* Of Testaments there are two sorts, viz. a Testament in writing, and a Testament in words, which is called a *Nuncupative Testament*, which is, when a Man being sick, and for fear left Death, want of Memory or Speech, should come so suddenly upon him, that he should be prevented if he stay'd the writing of his Testament, desires his Neighbours and Friends to bear witness of his last Will, and then declares the same before them by words, which after his decease is proved by Witnesses, and put in writing by the Ordinary, and then stands in as good force as if it had at the first in the life of the Testator been put in writing, except only for Lands, which are devisable but by a Testament put in writing in the life of the Testator. See *Co. on Lit.* lib. 2. cap. 10. sect. 167. *Plowd.* fol. 541. *Paramore* and *Judgely's Case*, *Co. 6. Rep.* *Marques's of Winchester's Case*. Testament was anciently used (according to *Spelman*) pro *Scripto*, *Charta vel Instru-*
H h h mento,

mento, quo pradium rerumve aliarum transactioes percipiuntur, sic dicitur quod de ea re vel testimonium ferret vel testium nomina contineret — Si quis contra hoc mea auctoritatis testamentum aliquid machinari impudimentum presumpsit, Charta Croylandie ab Ethelbaldo Rege, Anno Domini 716.

Testator, Lat. He that makes a Testament. See *Swinburne of Wills and Testaments*. See *Wills*. 3^d And especially see a Dissertation of the Probate of Wills or Testaments by the Learned Sir Henry Spelman among his late Remains, p. 127.

Testatum, Is a Writ in personal Actions, as if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *Non est inventus* by the Sheriff. This Writ shall be sent out into any other County, where such person is thought to have wherewith to satisfy: And this is termed a *testatum*, because the Sheriff hath formerly testified, that the Defendant was not to be found in his Bayliwick. See *Kitchin's Return of Writs*, fol. 287.

Teste, Is a word commonly used in the last part of every Writ, wherein the Date is contained, which begins with these words, *Teste meipso*, &c. If it be an Original Writ, or if Judicial, *Teste Mattheo Hale milite*, or *Johanne Vaughan milite*, according to the Court whence it issues. Yet we read in *Glanville*, lib. 1. cap. 6. & 13. and lib. 2. cap. 4. the last Clause of an Original Writ to be *Teste Radulpho de Glarvilla apud Clarendon*, &c. and divers times in the Register of Writs, *Teste Custode Anglie*, as namely in the Title *Prohibition*, fol. 42. and *Consultation*, fol. 54.

Testimonial, 39 Eliz. 17. Is a Certificate under the Hand of a Justice of Peace, testifying the place and time when and where a Soldier or Mariner landed, and the place of his Dwelling and Birth, unto which he is to pass, or such like, 3 *Inst.* fol. 85.

Tetion, 2 & 3 E. 6. cap. 17. A sort of Money, which, among the French, did bear the value of 18. Denar. But in Henry the Eighth's time being made of Brass, lightly gilt with Silver, it was reduced to 12 d. and in the beginning of Edward the Sixth to 9 d. and afterwards to 6 d. 3^d For the fabrication and value of *Tetions*, vid. *Lowndes Essay upon Coins*, p. 22.

3^d **Tertius Rossensis**, An ancient Manuscript containing many of the Saxon Laws, and the Rights, Customs, Tenures, &c. of the Church of Rochester, drawn up by Ernnulph Bishop of that See from 1114 to 1124.

3^d **Tertus magni Altaris**, — Die 28. Mart. Anno 11. Ed. 2. coram Judicibus apud S. Edmundum sedentibus Frater W. de Stowe Sacrifa protulit textum magni Altaris vocatum le Domesday in quo continebatur quod anno 24. Regis Patri Regis nunc, &c. Ex *Cartular. S. Edmundi*, MS. f. 173.

3^d **Thaccart**, Among the Customary Duties done by the inferior Tenants of the Mannor of *Chebenhale*, belonging to the Abbey and Conv. of St. Edmund in *Suffolk*. — Cum cibo Domini serculabit propter prandium uno die & thaccabit porcos licet nullos porcos in bosco habeat, sic autem thaccabit Aula quolibet quantum porcum, & si non habeat quinque porcos dabit ad pretium de porcis quantum partem — *Cartular. S. Edmundi*, MS. f. 401. See *Tack*.

Thacktile, 17 E. 4. 4. Otherwise called *Plaintiles*, which are laid on the side of a House.

Thanage of the King, *Thanagium Regis*, Signified a certain part of the King's Land or Property, whereof the Ruler or Governor was called *Thane*, *Domania Regis* & *Thanagia idem significant*, says *Skene*.

Thane or **Thegne**, *Thanus*, Signifies sometimes a Nobleman, sometime a Free-man, sometime a Magistrate, but more properly an Officer or Minister of the King, *Lamb.* in his *Exposition of Saxon words*, verb.

Thanus. And *Skene de verb.* Signif. saith, That it is a name of Dignity, equal with the Son of an Earl. This Appellation was in use among us after the Norman Conquest, as appears by *Doomday*, and by a certain Writ of William the First, *Willielmus Rex salutet Hermannum Episcopum, & Stewinum, & Brirui, & omnes thanos meos in Dorsetrensi pago amicaliter*, MS. de Abbotsbury. Camden says, They were enabled only by the Office which they administered. See *Mills de Nobilitate*, fol. 132. 3^d The Saxon *Thane* was so called from *Fenian Service*, and in Latin *Minister à Ministrando*. So that a *Thane* at first (in like manner as an Earl) was not properly a Title of Dignity, but of Service. But according to the degrees of Service, some of greater estimation, some of less: So those that served the King in places of Eminency, either in Court or Commonwealth, were called *Thani Majores* and *Thani Regis*. Those that served under them as they did under the King, were called *Thani minores*, or the lesser *Thanes*. Vid. *Spelman of Feuds*, cap. 7.

3^d **Thane Lands**, Such Lands as were granted by Charters of the Saxon Kings to their *Thanes* with all Immunities, except the threefold necessity of Expedition, Repair of Castles, and mending of Bridges.

3^d **Thassart**, *Tassart*, To lay up Hay or Corn into a Tass, Toss, Stack, Rick, or Mow. Lat. *Tassa*, *Tassus*, *Tassus*. Sax. *Tas*. — *Homines de Hedingdon qui carrellas non habuerint, venient cum fureis suis ad dictum fenum, levandum & thasslandum*. — *Qui carrellas non habuerint adjuvant ad thasslandum bladum*. — *Pro vicualibus emptis pro factis tassiorum Prioris* 12. — *Paroch. Antiquit.* p. 550.

3^d **Thelotes**, The Bond-men among our Saxons were called *Theotes* and *Ethes*, who were not counted Members of the Commonwealth, but parcels of their Masters Goods and Substance. *Spelman of Feuds*, cap. 5.

Theft, *Furtum*, Is an unlawful felonious taking away of another mans moveable and personal Goods against the Owners will, with an intent to steal them; and this is divided into *Theft* simply so called, and *Petit theft*, whereof the one is of Goods above the value of twelve pence, and is Felony: The other under that value and is no Felony, but called *Petit Larceny*. See *Larceny* and *Felony*. *Theft* from the Person, or in the presence of the Owner, is properly called *Robbery*, *West Symbol.* part 2. tit. *Ind tement*, sect. 58, 59, 60.

Theftbote, May be derived from the Saxon *Theof*, i. *furtum*, and *Bote*, i. *compensatio*, and signifies properly the receiving of Goods from a Thief, to favour and maintain him, *Est quant homo prist Chatell de Larons de luy favourer & mainteyner & nemy autrement*, 42. Ass. pag. 2. And the punishment thereof is Ransom and Imprisonment, and not loss of Life and Member, *Stamf. Pl. Cor. lib. 1. cap. 43.* and the *Mirror of Justices*, lib. cap. Des *Perches criminals al suit le Roy*. Antiquè dicebatur pretium quo furti reus se eximeret à dispendio vite; hodie vero hec dicitur qui furtiva bona à latrone susceperint, sceleris sui fovendi gratia, quo sensu Bote pro preda ut alias solet intelligendum est. In privilegiorum chartis ubi Theftbote conceditur, intelligitur alias esse emenda furti sine consideratione Curie Domini Regis. Theftbote (inquit) statutum Wallie Anno 12 E. 1. — Hoc est, emenda furti sine consideratione Curie Domini Regis, *Spelm.* And see 3 *Inst.* fol. 134.

Thegne. See *Thanus* and *Thingus*.

Thelonium, or *Breve essendi quieti de thelonio*, Is a Writ lying for the Citizens of any City, or Burghes of any Town, that have a Charter or Prescription to free them from *Toll*, against the Officers of any Town or Market, who would constrain them to pay *Toll* of their

their Merchandise contrary to their said Grant or Prescription. R. N. B. fol. 226.

Thelominannus, The Toll-Man or Officer who received the Toll. — *Proponebant quod ipsi catalla damnatorum de omnibus feudis Abbatis habere debent, & incantenti suisve, licet hoc non possunt ex tenore cartarum suarum cum Abbates ipsi ea semper habuerint in manibus sui Thelominanni, de pretio quorum Ballivus Regis responderint in adventu Justitiariorum.* Chartular. Abbat. Glaslon. MS. f. 446.

Thelonia rationabili habendo pro Dominis habentibus Dominica Regis ad firmam, Is a Writ that lies for him that hath of the King's Demesne in Fee-farm, to recover reasonable Toll of the King's Tenants there, if his Demesne have been accustomed to be Talled, Reg. Orig. fol. 87.

Themmagiunt, A Duty or Acknowledgment paid by inferior Tenants in respect of Theme or Team — *Infra metas pradii manerii nullum themmagium exigatur vel capiat de cetero de pradiis Abbate & successoribus suis vel hominibus eorundem per quoscumque ballivos vel Forestarios pradii Comitris vel heredum suorum.* Chartular. Abbat. Glaslon. MS. f. 88. a.

Them. See Team.

Them, Significat servum, Fleta, lib. 1. cap. 47.

Thenectium, Quod Pradii Parochiani — *Decimas inferius annotatis Ecclesiis suis persolvant, scilicet, Decimas lallis, ovorum thenecii agrorum, avum, mellis, &c.* Conf. Rob. Winchelsey Archiep. Cant. tit. de Decimis. *Ibi Lindwood thenecii agrorum, i. Arborum crecentium circa agros pro clausura eorum, vulgarly called Dreg-cowes or Dike-cowes.*

Theroun, In the degrees or distinctions of Persons among the Saxons, the Earl or prime Lord was called *Thine*, and the King's Thane; and the Husbandman or inferior Tenant was called *Theoden*, or *Under-Thane*. See Thane.

Theruo-onis, Sax. *thuse*, thefan, a young Plant or Set, a Standard, and sometimes any branch or bough, or arm of a Tree. — *Venerunt omnes pradii homines in eundem mariscum & prostraverunt & extirpaverunt dentem & 33. theovones & alios asportaverunt sine licentia ipsius Abbatis & contra pacem Domini Regis.* Chartular. Abbat. Glaslon. MS. f. 44. b.

Thesaurus, The word was sometimes taken for *thesaurarium*, the Treasury. As in a Charter of Queen Maud Wife of Hen. 1. to testify that the Manor of Levechen (now Leukhor) was a Hundred of it self, and did not belong to the Hundred of *Peritune* (now Piten) in Oxfordshire — *Sicatis quod Faritus Abbas de Abbdona in curia Domini mei & mea apud Wintoniam in thesauro ante Rogerum Episcopum — distraxnavit quod Levecanora manerium suum nihil omnino deberet in hundredo de Peritona facere — in thesauro, i. e. in the Treasury or Exchequer which was then kept in Winchester Castle. And hence the Doomsday Register preserved in that place was called often *Libet de thesauro*.*

Thetbinga, A Tithing. *Thetbingmannus*, a Tithing-Man. Vid. Tithing and Tithing-men.

Thet, Georgius Grey comes Cantii clamat in Maner. de Bushton & Ayton punire delinquentes contra Assiam panis & cervisia per tres vias per ameviciamenta & quarta vice pisces per Pilloriam, Bractatores per tumbrellam, & rixatrices per Thetis, hoc est, ponere eas super scabellum vocat. a Cuckingstool, Pl. in Itin. apud. Cestr. 14 H. 7.

Thingus, (Thann) A Nobleman, a Knight, or Free-man; *Sciatis me concessisse omnibus militibus & omnibus thingis, & omnibus liberè tenentibus, qui manent in Foresta mea de Honore de Lancaster quod possunt, &c.* Crompt. Jur. fol. 197.

Thredobolo, Is used for a Constable, Anno 28 H. 3.

cap. 10. And Lambert's Duty of Constables, pag. 6. and seems to be correctly used for the Saxon *freobolog*, i. *ingenuus padejssor*.

Thridings, The third part of the Corn or Grain growing on the Ground at the Tenants Death, due to the Lord for a Heriot within a certain Mannor, and Lands belonging to the Mannor of *Tinfat* in the County of Hereford.

Thrid night alunt-hinde, *Trium noctium Hospes*: By the Laws of St. Edward (cap. De *Hypitibus*) If any Guest lay a third night in an Inn, he was accounted a Domestick, and his Host was answerable for what Offence he should commit. *Forman night uncuch, Thra night Cuchse, Thred night alunt-hinde*, that is, the first night a Stranger, the second night a Guest, the third night a Domestick, Bract. lib. 3. tract. 2. cap. 10. num. 2. writes *Hogenhyne* for *Agonhine*.

Item utitur quod si extranei morantur in Burgo pradiis ultra tres dies invenient padejssores de bene gerendo se erga Burgeses & communitatem dam moram inter ipsos fecerint. MS. Codex de L. Statut. & Consuetud. liberi Burgi Villæ Mountgom. fol. 25. See *Uncub*.

Thridpenn, *Denarius tertius est ea pars multarum forensiumque molumentum que in Comitatu olim cedebat comiti, Rege alias duas percipiente*, Leg. Ed. Conf. cap. 31. *Rex habebit 100. solidos & Consul comitatus 50. qui tertium habebit denarium de forisfacturis, &c.* and was anciently so fixt, and appropriate to an Earldom; as the Earldom of Oxford, in the Reign of King Henry the Second, passed by the Grant of Tertium denarium comitatus Oxon. ut sit inde Comes. Of which see Selden's Titles of Honour.

Thistle-take, It was a Custom within the Mannor of *Halton*, in the County Palatine of *Chester*, that if in Driving Beasts over the Common, the Driver permits them to graze or take but a Thistle, he shall pay a half-penny a Beast to the Lord of the Fee. And at *Fiskerton* in Nottinghamshire, by ancient Custom, if a Native or a Cottager kill'd a Swine about a year old, he paid to the Lord a penny, which purchase of leave to kill a Hog was also call'd *Thistle-take*. Reg. Priorat. de Thurgarton.

Thokes, Fish with broken Bellies, 22 E. 4. cap. 2. which by the said Statute are not to be mixt or packt with *Tale-fish*.

Thol, *Thollonium est libertas emendi & vendendi in terra sua*, Lamb. Archæion, fol. 132. *Thol*, i. quod Prior habet in mercato suo die Lune quandam mensuram de bladis venditis & quoddam certum de animalibus & ceteris similibus venditis, Reg. Priorat. Cokeford. See *Toll*.

Thorough-Toll, At a place called *Bowgh* in Yorkshire; in times past the Earls of Richmond had a Castletre, and a certain Custom called *Thorough-Toll*, says Camden. See *Toll*.

Thrave of Coyn, In most parts of England consists of twenty four Sheaves, or four Shocks, six Sheaves to every Shock, 2 H. 6. cap. 2. yet in some Counties they reckon but twelve Sheaves to the thrave: As in the matter concerning the Burgeses of Derby, — *Hi autem ad festum sancti Martini reddebant Regi duodecim trabes annone*, Doomsday Book de Burgesibus Derby. See *Peter-corn*.

Thrymsa, From the Saxon *thrim*, which signifies three, was an old piece of Money of three shillings, according to Lambert, or rather (as Selden thinks) the third part of a shilling, *Tiles of Honour*, fol. 604. See *Weregild*. **Th** It was certainly but a Groat, or the third part of a Shilling. *Thrymsa* being a contraction of the Lat. *Tremissis*, and was a German Coin of the value of 4 d. As thus expressly lib. 6. sect. 3. *Saiga autem est quarta pars tremissis, hoc est denarii unus. Tremissis est tertia pars solidi, & sunt denarii quatuor.* Thithing,

Thringing, Thringum. In the Statute of Merton signifies a Court which consists of three or four Hundreds, Co. 2. Inl. fol. 99.

Thringing-Reve, The third part of a County, or three or more Hundreds or Wapentachs, were called a *Thringing*, such sort of Portions are the *Laths* in Kent, the *Rapes* in Sussex, and the *Ridings* in Yorkshire. And those who govern'd these *Thringings*, were thereupon called *Thringing-Reves*, before whom were brought all Causes that could not be determined in the Wapentakes, or Hundreds. See *Speiman of the ancient Government of England*, p. 52.

Thrower. See *Silk-thrower*.

Thwertnik. *Edwardus, &c. Concessimus etiam quod Vicecomes noster aut haredum nostrorum qui pro tempore fuerit in dicto comitatu, de cetero faciat executiones pro debitis recuperatis & recognitis in Comitatu vel Scaccario Cestrie aut in itinere Justiciariorum, qui pro tempore fuerit, absq; aliquo capiendo pro executione facienda, licet etiam preteritis temporibus usum sit, prout per chartam habet ista communitas; (scilicet Cestrescira) quod si aliquis in curia nostra culpatus fuerit, per thwertnik se defendere possit; quia hæc defensio est contraria legi Communitatis, nutrix malorum, pacis annula & damnoisa populo pacifico: Volumus etiam de consensu & requisitione dictæ communitatis, Ordinamus & præcipimus quod dicta defensio per thwertnik de cetero non allocetur sed annulletur totaliter & damnetur, &c.* Rot. Cart. de Anno 11, 12, 13 Rich. 2. num. 11. per Inspex. The word seems properly *thirduicht*, or *thirduicht*, which in some old Writings is taken for the Custom of giving Entertainment, or paying Procuration Money, to the Sheriff for three Nights.

Tidesmen. Are certain Officers that belong to the Custom house, and are appointed to watch or attend upon Ships, till the Custom of the Freight be paid; and they are so called, because they go aboard the Ships at their arrival in the mouth of the Thames, and come up with the Tide.

Titite. See *Ters*.

Tigh or Teage, A Close or Enclosure, a Crof; which word *Tigh* is still used in Kent in the same sense. And in an old Charter of the Church of Canterbury, we find this Clause, — *Mansionem quoque que est in Aquilonali parte Doroberniæ & clausulam quam Angli vocant teage quæ pertinet ad prædictam mansionem, &c.*

Tillen of Satten. Is mentioned Anno 1 H. 8. cap. 4. but not expounded.

Timber of Skins. Is forty Skins, De qualibet Timber de Fitchaux venal. Ob. Pat. 10 R. 2. pars 1. m. 10. Hæc civitas (sc. Cestria) tunc reddebat de firma 45. libras & tres timbres pellium Matrinarum, Leg. Edw. Conf.

Timberlode. *Servitutis genus, quo Vassallus obligatur materiam sive lignum de sylva, ubi prosernitur, ad Domini sui domum deferre.* Gloss. in 10. Script.

Tineiman or Tlenman. Was of old a petty Officer in the Forest, who had the Nocturnal Care of Vert and Venison, and other servile Employments, Constitution. *Foresta Cameræ Regis*, cap. 4.

Truckermen. Those Fishermen who destroyed the young Fry on the River Thames, by Nets and Unlawful Engines, till suppress'd by the Mayor and Citizens of London. Of which see *Stow's Survey of London*, p. 18.

Tinpenny. A Customary Tribute paid to the Tithingman, to support the trouble and charge of his Office. The laborious *Du Fresne* is apparently mistaken, when in allusion to the first Syllable, he renders it a Tax of Acknowledgment paid for Tin Mines, or the liberty of digging Tin. Whereas it bears no such fancied relation; but Tin is only a contraction of

Teon, and means only the number Ten. *K. Henry 1.* granted to the Abby of Radings — *Ut tenementa quæ sint de tributis & lestagiis, te tedinpeni & tinpeni.* *Chartular. Abbat. Radiges, MS. f. 2.* where *tedinpeni* signified the Money paid the Sheriff by the several Tithings; and *tinpeni* was the Money paid the Tithing-man by the several Friburges or Divisions of his Deanery or District.

Tinettum. Trowse, Brushwood and Thorns for Fencing and Hedging, which sort of Underwood cut at length, and not faggotted up, is still in Kent called *Teenet*. — *Et prædictus firmarius habebit tinettum sufficiens extra bosum ipsius Regis ad clausurandum terras & pasturas prædictas.* Cart. 21 H. 6.

Tipstaff. Is one of the Warden of the Fleets Men, that attends the King's Courts with a painted Staff, for the taking such into Custody as are committed by the Court, and to attend such Prisoners as go at large by Licence: These are otherwise called *Bastons*, Anno 1 Rich. 2. cap. 12. and 5 Eliz. cap. 23. They also are called *Tip-slaves*, that attend the Judges with a kind of Rod tipped with Silver, and take into their charge all Prisoners either committed or turned over at the Judges Chamber.

Tithes, Decima. Are the tenth part of all Fruits, Predial, Personal and Mixt, which are due to God, and consequently to his Churches Ministers for their Maintenance, Levit. 27. vers. 30. *Omnium bonorum licite quasitorum quota pars deo, Divina constitutione debita.* And it was of later times Resolved, viz.

Pascha 1 Jac. Rot. 1119. in Comuni Banco.

Quod decimarum tres sunt species, quædam Personales, quæ debentur ex opere personali, ut Artificio, scientia, Militia, Negotiatione, &c. Quædam Prædiales quæ proveniunt ex prædiis, i. ex fructibus prædiorum, ut Blada, vinum, fenum, linum, cannabum, &c. seu ex fructibus arborum, ut Poma, Pyra, Pruna, Volema, Cereza & fructus hortorum, &c. Quædam mixtæ, ut de Caseis, Lacte, &c. aut ex fatibus animalium quæ sunt in pascuis & gregatim pascuntur, ut in Agnis, Vitulis, Hædis, Caprellis, Pullis, &c. Ex prædialibus quædam sunt Majores, quædam Minutæ. Majores, ut frumentum, siligo, zizania, fenum, &c. Minores sive minutæ, quidam dicunt, sunt quæ proveniunt ex mentha, aneto, oleis & similibus juxta illud dictum Domini Luc. 11. 42. Væ qui decimatis Mentham & Ruthum, &c. Alii dicunt quod in Anglia consunt decimæ minutæ in lino, quæ sunt prædiales & lana, lacte, caseis & in Decimis animalium, agnis, pullis & ovibus; Decimæ etiam mellis & cere numerantur inter Minutæ, quæ sunt Mixtæ. Vide Linwood, cap. De Decimis. Eut Laymen in these later times, by withdrawing or withholding their Tythes, occasions the Statutes of 27 H. 8. 20. 32 H. 8. 7. and 2 E. 6. 13. which were made to enforce the payment thereof, which former times required not, when more was often given than was either due or demanded. Nay, anciently many men were so scrupulously careful in their payment of Tythes, that at their death they bequeathed Soulsfree to their Parish-Priest, in lieu of any Tythes forgotten, and at their Funerals caused their best Ox or Horse to be led with the Corps, and as a Mortuary or Oblation given to the Priest, in recompence of any Tythe which might have been forgotten. See Kennet's Glossary in Tythes.

Tithing, Tithingum. From the Saxon *Teothunge*, which signifies *Decuriam*: It signifies (according to Lambert in his *Duty of Constables*) the number or company of ten Men with their Families, knit together in a Society, all being bound to the King for the peaceable

peaceable Behaviour of each other. Of these Companies, there was one chief or principal Person, who, from his Office was called *Trothing-man*, at this day in some places *Tithing-man*, but is indeed a Constable, for the old way of *Tithing* is long since left off. It is also used for a Court, *Magna Chart. cap. 25. Meriton, cap. 10. and 23 E. 3. cap. 4.* See *Chief Pledge, Frank-pledge, Decennial and Tithing.*

Tithing-men. In the Saxon times, for the better conservation of Peace, and the more easie administration of Justice, every Hundred was divided into ten Districts or *Tithings*, each *Tithing* made up of ten *Friborger*, each *Friborg* of ten Families, and within every such *Tithing*.—*Statuerunt Justitarius super quibus decem Friborger, quos Decanus possimus appellare, Anglice vero, Tienhesod, i. e. caput de decem.* Which *Tithing-Men* or Civil Deans, were to examine and determine all lesser Causes between Villages and Neighbours, but to refer all greater matters to the Superior Courts, which had a Jurisdiction over the whole Hundred. See *Kennet's Paroch. Antiquit. p. 633.* This Officer was sometime call'd *Thething-mannus*.—*Concessit Abbas pro se & successoribus suis quod catalla, felonum fugitivorum vel rationabile precium eorumdem per visum & ballium Coronatorum ipsius Abbatis tradantur. Thethingmanno pradieli Petri & heredum suorum salvo custodiendi usque ad adventum Justitiariorum itinerantium.* Cart. 3. Ed. 1. in *Cartular. de Radinges. MS. f. 156. b.*

Tithingpeny alias *Tetbpyng*, alias *Thethingpeny.* Et sint quieti de Thethingpeny, *Tympenny*, &c. de omnibus forisfactis quacunque occasione emeruerint, &c. In Mem. Scac. de anno 20 E. 3. Trin. Rot. 3. *Abbati & Monachis Rading. Tithingpeny hoc est quieti de Tallagio Decennis sive Tithing per consuetudinem.* M. S. in *Biblioth. Cotton. sub tit. Vitellus, C. 9. fol. 221.*

Tillage, Agricultura. Is of great account in Law, as very profitable for the Commonwealth; and therefore arable Land hath the precedence before Meadows, Pastures, Woods, Mines, and all other Ground whatsoever. And by laying of Lands used in *tillage* to Pasture, fix grand Inconveniences ensue.

1. Idleness, which is the ground and beginning of all mischief.

2. Depopulation and decay of Towns, for where in some Towns two hundred Persons were Employed and lived by their lawful Labours, by converting *Tillage* into Pasture, only two or three Herd-men are maintained.

3. Husbandry is decayed.

4. Churches are destroyed, by diminution of Church-Livings.

5. Injury and wrong done to Patrons and Ministers.

6. The Defence of the Land against foreign Enemies enfeebled and impaired; the Bodies of Husbandmen being more strong and able, and patient of cold, heat, and hunger than any other. See *Kennet's Glossary in Tithes.*

Tinewald. The Parliament or Annual Convention in the Isle of Man; of which Mr. King, in his Description of that Island, gives this Account.—The Governour and Officers do usually call the 24 Keys of the Island, especially once every Year, viz. upon *Midsummer-day*, at St. John's Chappel, to the *Tinewald* Court there, where upon a Hill near to the said Chappel, all the Inhabitants of the Island, standing round about a fair Plain, they may hear the Laws and Ordinances agreed upon before in the Chappel aforesaid, published and declared unto them; and then and there the Lord of the Island, if he be in the Country, is to sit in a Chair of State covered with a Royal Cloth or

Canopy over his Head, his Village into the East, with his Sword before him holden with the point upward. His Barons, viz. the Bishop and Abbats, when was time, with the rest in their degrees, sitting beside him, &c.

Title, Titulus. Properly is when a man hath lawful cause of Entry into Lands whereof another is seised, for which he can have no Action, as *title* of Mortmain, or *title* to enter for breach of condition: But legally this word *title* includes a Right also, and *Title* is the more general word, for every Right is a *Title*, but every *Title* is not such a Right for which an action lyeth, and therefore *Titulus est justa causa possidendi quod nostrum est*, and signifies the means whereby a man cometh to Land, as his *title* is by Fine or Feoffment. And as by a Release of a Right a *Title* is released, so by release of a *Title*, a Right is released also. See Co. 4. Rep. *Edward Altham's Case.*

Title of Entry. Is when one is seised of Land in Fee, makes a Feoffment thereof on condition, and the Condition is broken; after which the Feoffor hath *Title* to enter into the Land, and may do so at his pleasure, and by his Entry the Free-hold shall be said to be in him presently. And it is called *Title of Entry*, because he cannot have a Writ of Right against his Feoffee upon condition, for his Right was out of him by the Feoffment, which cannot be reduced with Entry, and the Entry must be for the breach of the condition.

Titinylke, Tale-Bearers. Letter of the Secretary of State in 28 of H. 8. to James the fifth King of Scotland.—In all Realms the Popish practise hath had such Confederacy of false, forsworn, factious and traitorous *Titinylke*, untrue to their Sovereign. *Vid. Wever of Hox. Mon. p. 94.*

Towell, A Towel. In the Inquisition of Serjeancies and Knights Fees, within the Counties of Essex and Hertford, made in the 12th and 13th years of R. John.—*Petrus Picote tenet dimid. Heydene per Serjantiam servandi cum una toalia ad coronationem Regis*—i. e. by the service of waiting with a Towel at the King's Coronation.—*Ex Lib. Rub. Scaccar. fol. 127.*

Tow of Wool. Contains twenty eight pound, or two stone, mentioned in the Statute 12 Car. cap. 23. See 3. Inst. fol. 96.

Toft, Toftum. A Messuage, or rather a place where a Messuage hath stood, *West Symbol. part 2. tit. Fines, sect. 26.* And is a word much used in *Fines*.—*Capitale Toftum & Croftum quod fuit Walteri Patris sui, Cart. Petri de Brus in Biblioth. Cotton. Seites & Toftes, Anno 22 Car. 2. cap. 11.*

Toftman, Toftmannus. The Owner of a Toft, *Toftmanni similiter operabantur a Sancto Michaeli usque ad Autumpnum & in autumno per 6. hebdomadas unaquaque hebdomade per 2. dies, &c. Pri. Lew. pag. 18. See Molman.*

Toile. Cometh of the French *Toile*, i. tela, and signifieth with us a Net or Cord to compass or take Deer. *Tol. tolleror*, as it is a Verb signifieth to defeat or take away, Anno 8 H. 6. cap. 9. as to *Toll* the Entry is to take away the Right of Entry.

To Toll, To Barr, Defeat, or take away. As to *Toll* the Entry, i. e. To deny or take away the right of Entry. Stat. 8 H. 6. cap. 9.

Toll alias *Toll*, *Tolnetum* alias *Theolonium*, Is a Saxon word, and hath in our common Law two significations. First, It is used for a Liberty to buy and sell within the Precincts of a Mannor, *Lamb. Arch. fol. 132.* Secondly, For a Tribute or Custom paid for passage, &c. *Bract. lib. 2. cap. 24. num. 3.* Interprets it to be a Liberty as well to take as to be free from *toll*, for they who are enfeofed with *Toll*, are Custom-free,

faith Skene. Toll hoc est quod vos & homines vestri de toto Homagio vestro sint quieti de omnibus mercatis & de Tolneco de omnibus rebus emptis & venditis. Of this freedom from Toll the City of Coventry boist of an ancient Charter, granted by Leofrich (or Lurich) Merciorum Comes, who at the importunity of Godewa his virtuous Lady, granted this Freedom to that City; and in Richard the Second's time (as Dugdale saith in his Description of Warwickshire) the Picture of him & his Lady was set up in the South Window of Trinity Church there, holding in his right Hand a Charter with these words written thereon.

**I Lurich, for the Love of Thee,
Do make Coventry Toll-free.**

Some Authors make mention of Tollthrough, which is Money paid for passage in or through some High-ways, Ferries, Bridges, &c. Toll-traverse, for passing over a private Man's ground, and Toll-turne, which is Toll paid at the return of Beasts from Fair or Markets, though they were not sold, Plowd. fol. 236. Willion's Case. Kitchen, fol. 104. By the Ancient Law of the Land, the Buyers of Cattle or Corn in Fairs or Markets ought to pay Toll to the Lord of the Market, Horn's Mirror of Just. lib. 1. cap. De articles. The made Latin word Theolonium, Cassaneus de consuet. Burg. pag. 118. deriveth a Tollendo, but it is more properly deduced from the Greek *τελὸν* or *τελόνιον*, id est, vestigalium redemptio vel exactio. See Fleta, lib. 1. cap. 47.

Tolcestrum, Tolfaster, Excise, or Tribute paid to the Lord by the servile Tenant for liberty to brew and sell Ale. Among the Customary Services of the Tenants in Blebury, to the Abbat and Convent of Reading. Et solebant dare tolcestrum, scilicet illi qui solebant facere cervisiam ad vendendum, videlicet sex lagenas cerevisie. Cartular. Radinges, MS. f. 221. a. Præterea si braciant ad vendendum dabunt de cervisia sua prædicto Abbati quandam consuetudinem qua vocatur Tolfaster scil. de qualibet braccia quatuor lagenas quotiescumque brassaverint, ib. f. 223. a. See Tolfester.

Tolcorn, Corn taken for Toll at grinding in a Mill. Dedi Abbati & Conventui de Radinges unam dimidium summam bladi scil. de tolcorn de molendo de Homstoll. Cartular. Abbat. Radinges, MS. f. 92. a.

Tolhop, A Toll-dish, or small Measure by which they take Toll for Corn sold in an overt Market. De consuetudine mercati de magna Farendon, pro carellata salis dabitur unas discus salis qui continere debet unum tolhop, vel unius denarius. Consuetud. Domus de Farendon, MS. f. 22.

Tolsester, Per Tolfester, clamat esse quiet. de reddend. unum Sextarium Cervisie quod continet 16. Lagenas de nova cervisia mensurata, desultus le Shakcliff pro licentia brassandi cervis, Per totum annum. Ex Rot. Plac. in Itin. apud Cest. 14 H. 7. The same word occurs in a Charter, 55 H. 3. m. 6. See Gavellester.

Tolt, **Tolta**, Is a Writ whereby a Cause depending in a Court-Baron, is removed to the County Court, Old Nat. Brev. fol. 2. and so called, because it does tollere loquelam from the one Court to another. Preface to Co. Rep. 3. Plac. coram Rege Pasch. 22 E. 1. Rot. 18. Tolla placiti significat processum per quem causa a jurisdictione curie temporalis tollitur.

Toltrey, Venditio salis qua debet solvi, i. Bushel & dimid. satis per mensuram 4 s. M. S. de temp. Edw. 1. It should be Toltsey or Toll, taken by Tray or Dish.

Tolta, Wrong, Rapine, Extortion, any thing exacted or impos'd contrary to Right and Justice. Nec aliquem depraderetur, nec homicidia, vel incendia, roberias, toltas, seu alia hujusmodi perpetret enormia. Pat. 48. H. 3. in Brady Hist. Engl. Append. p. 235.

Tonne. See Tun.

Tonnage, **Tonnagium**, Is a Custom or Impost paid to the King for Merchandise carried out, or brought in Ships, or such like Vessels, according to a certain Rate upon every Tun; and of this you may read in the Statutes 12 E. 4. cap. 3. 6 H. 8. cap. 14. 1 E. 6. cap. 13. 1 Jac. 33. but especially 12 Car. 2. cap. 4.

Tonneright, The quantity of a Toone or Tun, in a Ships freight or bulk, for which Tonnage or Tunnage was paid to the King. Ricardus Rex, &c. Thoma de Percy Admirallo nostro--in Parlamento ordinatum extitit--percipiend. de qualibet navi & craiera cujuscumque fuerit portagii quæ mare transierit infra prædictum Admiratum eundo & redeundo pro viagio de quolibet Tonnetight sex denarios--item de quolibet vase piscatrice quod infra mare dicti Admiratus piscatur pro allece capiend. de quolibet tonnetight sex denarios, &c. Pat. 2. Ric. 2.

Torra, **Toire**, **Sax. Tor**. A Mount, A Hill, as **Glastenbury Torre**. Terra in campis Glastonia, una acra jacet in aulsali parte de la torre. Super torram una acra. Chartular. Abbat. Glaston. MS. f. 114. 116.

Torney. See Turney.

Tort, Is a French word for injury or wrong, as de son tort meisme, in his own wrong, Cro. Rep. fol. 26. White's Case. Wrong or injury is properly called Tort, because it is wrested or crooked, Co. on Lit. fol. 158.

Tortfeasor, A Wrong-doer, a Trespasser, Cro. 2. par. fol. 383. num. 11.

Toties, **quoties**, Anno 19. Car. 2. cap. 4. and signifies As often as.

Totblanda, A certain portion of Land, in the nature or dimension whereof I can find no direction, and can make no safe conjecture. Cum una virgata terra, & cum una Totblanda, & octo acris, quæ fuerunt data in dedicatione (Ecclesie de Heyford ad Pontem Com. Oxon.) Wulfvini Episcopi Dorcestrie. Paroch. Antiquit. p. 514.

Tortted, A good Debt to the King, is by the foreign Opposer, or other Officer in the Exchequer, noted for such, by writing this word Tot to it, Anno 42 E. 3. cap. 9. and 1 E. 6. 15. See Practice of the Exchequer, pag. 71.

Totteray, Was a Customary payment of four pence for every Bushel and a half of Corn, sold at Maldon in Essex, Hill. 15 E. 1. This word should be Tolteray or Toll-tray.

Tournet. See Turn.

Tout temps prêt & uincet est, That is always ready, and is so at this present. This is a kind of Plea in way of excuse or defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See Broke's Abridgment, fol. 258.

Towage, **Towagium**, Is the rowing or drawing a Ship or Barge along the water by Men, or Beasts on Land, or by another Ship or Boat fastned to her. Also that Money, or other recompence, which is given by Barge-men to the Owner of the Ground next a River where they tow a Barge, or other Vessel, Dominus Rex habeat & habere debeat Throwagium navium & Battellorum majorum & minorum in aqua de Tyne, &c. Pla. coram Rege & ejus concil. Parl. 18 E. 1. in Tur London.

Toyliardus, A Sheep, a Ram. Qualibet hida potest sustinere octo & decem boves, sexdecim vaccas, & unam taurum: & ducentas oves cum quatuor toyliardis, cum exitu prædictarum ovium de uno anno, & quatuor Affros cum exitu unius anni. Chartular. Abbat. Glaston. MS. f. 72. b.

Tractus, **uum**, Traces, by which Horses, in their Gears, draw a Cart, Plough, or Waggon. Par trallum,

um, A pair of Traces.—*Pro uno cartfader uno colero, cum una pari tractuum emptis xlv d.* Paroch. Antiquit. p. 549.

Traylbation, See *Justice of Traylboston*.

Traptor, *Proditor*, See *Treason*.

Treattrous position, Of taking Arms by the King's Authority against his Person, and those that are commissioned by him, condemned by the Stat. 14. Car. 2. cap. 3.

Transcript, Anno 34. & 35. H. 8. cap. 14. Is the Copy of any Original written again or exemplified, as the *Transcript* of a Fine.

Transcriptio Recognitionis factæ coram Iudicariis itinerantibus, &c. Is a Writ for the certifying of a Recognizance taken before *Justices in Eyre* into the *Chancery*, Reg. Orig. fol. 152.

Transcriptio pedis finis levati mittendo in Cancellarium, It is a Writ for the certifying the foot of a Fine levied before *Justice in Eyre*, &c. into the *Chancery*. Reg. Orig. fol. 169. & Reg. Judic. fol. 14.

Transgression, Is a Writ commonly called a Writ or Action or *Trespals*, of which *Fitzherbert* reckons two sorts, one *Viscountiel* so called, because it is directed to the Sheriff, and is not returnable, but to be determined in the County; the form whereof differs from the other, because it hath these words, *Quare vi & armis*, &c. F. N. B. fol. 84. The other is termed a *Writ of Trespals* upon the Case, which is to be sued in the King's Bench or Common Pleas, in which are used always these words, *Vi & armis*, F. N. B. fol. 92. See *Trespals*.

Transit, Anno 14. Car. 2. cap. 11. Is used for a Custom-house Warrant or Let-pais from *Transeo*, to go forth or let pass.

Transitory, Is passing away or flitting the opposite to *Local*. See *Local*.

Tranter, So in some Mannors they call the Money arising by *Amerciaments* of Ale-sellers and Victuallers, for breaking the Assise of Bread and Ale, as *Luston*, and other Mannors in *Herefordshire*, especially those belonging to the Bishoprick of *Hereford*.

Translation, *Translatio*, In common sense signifies the version out of one Language into another; but in a more confined, denote the setting from one place to another; as to remove a Bishop from one Diocese to another is called *Translating*, and such a Bishop writes not *Anno Consecrationis*, but *Anno translationis nostræ*.

Transverse, (A derivative from the French *Traverse*, i. *Transverser*, signifies sometimes to deny, sometimes to overthrow or undo a thing, or to put one to prove some matter; much used in Answers to Bills in *Chancery*, or it is that which the Defendant pleads, or saith in Bar to avoid the Plaintiffs Bill, either by confessing and avoiding, or by denying and *traversing* the material parts thereof, *West Symbol*. part 2. tit. *Chancery*, sect. 54. 55. The formal words of which *Traverse* are in our French *Sans ceo*, in Latin *aliquo, hoc*, and in English *without that*. See *Kitchin*, fol. 227. and 240. *Stamf. Prærog.* cap. 20. To *traverse an Office*, is nothing else but to prove, That an Inquisition made of Lands or Goods by the Escheator is defective, and untruly made. So to *traverse an Indictment*, is to take Issue upon the chief Matter, and to contradict or deny some point of it. As in a Presentment against A. for a High-way overflown with Water, for default of scouring a Ditch &c. A. may *traverse* either the Matter, that there is no High-way there, or that the Ditch is sufficiently scoured; or otherwise he may *traverse* the Cause, viz. That he hath not the Land, or that he and they whose Estate, &c. have not used to scour the Ditch, *Lamb. Eiren.*

lib. 4. cap. 13. pag. 521, 522. See the *New Book of Entries*, verb. *Traverse*.

Trawlermen, Of those Fisher-men who used unlawful Arts and Engines to destroy the Fish upon the River *Thames*, Some were stild *Tincker-men*, others *Hebber-men*, *Peter-men*, *Trawler-men*, &c. See *Stow's Survey of London*, p. 19. Hence to *trowle* or *trawle* with a *Trowing-line* for Pikes.

Treason, *Proditio*, Of the French *Trahison*, and it is divided into *High Treason* and *Petty Treason*; *High Treason* is defined to be an Offence committed against the Security of the King or Kingdom, whether it be by Imagination, Word or Deed; as to compass or imagine the death of the King, Queen or Prince; or to deflower the Kings wife, or his eldest Daughter unmarried, or his eldest Sons Wife: or levy War against the King in his Realm, adhere to his Enemies, counterfeits his Great Seal, Privy Seal, or Money: Or wittingly to bring false Money into this Realm counterfeited, like the Money of England, and utter the same. To kill the King's Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assise, or of Oyer and Terminer, being in their place doing their Office, Anno 25. E. 2. cap. Forging the King's Seal Manual or Privy Signet, Privy Seal, for foreign Coyn currant here, Anno 2 Mar. Cap. 6. Or diminishing or impairing currant Money, 5 Eliz. 11. 14 Eliz. cap. 3. 18 Eliz. 1. Or to say the King is an *Heretic*, or *Papist*, or that he intends to introduce *Papery*, &c. Anno 13 Car. 2. cap. 1. And many others, which you may read there, and in other places particularly expressed. In Case of this *Treason*, a Man shall be drawn, hanged and quartered, and forfeit his Lands and Goods to the King. It is called also *Treason Paramount*, Ann 25 E. 3. cap. 2. *Petty Treason*, when a Servant kills his Master, a Wife her Husband: or when a Secular or Religious Man kills his Prelate or Superior, to whom he owes Faith and Obedience: and in how many other Cases *Petty Treason* may be committed, see *Crompt. Just. of Peace*. This kind of *Treason* gives forfeiture of Escheats to every Lord within his own Fee. See *Bract. lib. 3. tract. 2. cap. 3. num. 1, 2.* There is also mention of *Accumulative Treason* and *Construtive Treason* in the Statute 14 Car. 2. cap. 29. And here observe, that in *Majori proditiōe omnes sunt Principales*, there are no Accessaries in *Treason*, all are Principals. And *Voluntas non reputabitur pro facto nisi in causa Proditiōis*, for *Petty Treason*. See Co. 1. Rep. *Shellyes Case*.

Treasure, *Thesaurus*, The King's treasure is the Sinews of War, and the Honour and Safety of the King in time of Peace, *Firmamentum Belli & ornamentum Pacis*. If any Mine of base metal be found in any Ground, it belongs to the Lord of the Soyl, but if it be of Gold or Silver, it appertains to the King, in whose Groundsoever they be found.

Treasury, It signified sometimes the place where the King's Treasure is repositied; and at other times the Office of Treasurer.

Lozds of the Treasury, Commissioners to execute the Office, when it is not committed to one single Person.

Treasurer in Cathedral Churches, A Dignitary who was to take charge of the Vestments, Plate, Jewels, Reliques, and other Treasure belonging to the said Church. But at the time of Reformation, when some who abhorred Idols did commit Sacrilege, and took away the infinite Treasure of Cathedral and Conventual Churches, then the Office was extinguish'd as needless in some Churches, as *Tork*, *Lincoln*, *Hereford*, but still remaining in *Salisbury*, *London*.

Treasure trove, *Thesaurus inventus*, Signifies in our Common Law as it does in the Civil, *Veterem depositum*.

onem pecunia, ejus non extat memoria, ut jam Dominum non habet, with which definition Braddon agrees: And tho' the Civil Law give it to the finder, according to the Law of Nature, yet the Law of England gives it to the King by his Prerogative, or to some other who Claim by the King's Grant, or by Prescription, as appears, *Bradd. lib. 3. tract. 2. cap. 3. num. 4.* The Punishment for concealing *Treasure found*, is Imprisonment and Fine, *Stamf. Pl. Cor. lib. 1. cap. 42. Fitzherb. Abridgment, pag. 187.* But if the Owner may any ways be known, then it does not belong to the King's Prerogative. *Britton, cap. 17.* says, 'Tis every Subjects part as soon as he has found any *Treasure* in the Earth, to make it known to the Coroners of the County, &c. See *Kitchin, fol. 40. Anno 1. & 2. P. & M. cap. 15.* This was anciently called *findarlinga*, of finding the *Treasure*, *Leg. Hen. 1. cap. 11. See 3 Inst. fol. 132.*

Treasurer, Thesaurarius, Is an Officer to whom the *Treasure* of another is committed to be kept, and truly disposed of: The chiefest of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest Men of the Land, under whose Charge and Government is all the Princes Wealth contained in the Exchequer, as also the Clerk of all Officers any way employed in the collecting of the Imposts, Tributes, or other Revenues belonging to the Crown, *Smith de Rep. Anglor. lib. 2. cap. 14.* See more belonging to this Office, 20 E. 3. 6. 31 H. 8. 5. 4 E. 4. 1. 17 E. 4. 5. 21 H. 8. 20. and 1 E. 6. 13. This high Officer hath by virtue of his Office, the nomination of all Escheators yearly throughout England, and giveth the Places of all Customers and Searchers in all the Ports of the Realm, with divers other matters, &c. There is also the *Treasurer of the King's Household*, who is of the Privy-Council, and in the absence of the *Steward of the King's Household*, hath Power with the *Controller and Steward of the Marshalsea*, without Commission, to hear and determine Treasons, Misprisions of Treason, Murder, Homicide and Bloodshed committed within the King's Palace, *Stamf. Pl. Cor. lib. 3. cap. 5. In Westm. 2. cap. 1.* There is mention of the *Treasurer of the Exchequer*, *Treasurer of the Navy or War*, 27 E. 3. stat. 2. cap. 18. 35 Eliz. cap. 4. *Treasurer of the King's Chamber*, 26 H. 8. 3. 33 H. 8. 39. *Treasurer of the King's Wardrobe*, 15 E. 3. stat. 1. cap. 3. 25 E. 3. stat. 5. cap. 21. Whole Office you have well set out in *Fleta, lib. 2. cap. 14.* *Treasurer of the County for Poor Soldiers*, 25 Eliz. cap. 4. And most Corporations through the Kingdom, have an Officer of this Name that receiveth their Rents, and disburseth their common Expences, and is of great Credit among them.

Treat, Cometh of the French *Traire*, i. *emulgere*; or rather from *trahis* drawn, and signifies as much as taken out or withdrawn: As a Juror was challenged because he could not dispend forty pound, and for that cause he was *treate*, (that is withdrawn) by the Statute *Old Nat. Brev. fol. 159.*

Tremagium, Tremisium, Tremesium, The Season for sowing Summer Corn about March the third Month, to which the word may possibly allude. For Corn sow'd in March is by the French call'd *Tremes* and *Tremois*, and sometimes *Mars* or *Marses*, which the Italians call *Martolin* or *Martiol*. *Tremesium* was commonly oppos'd to *Hibernagium*, i. e. The season for Summer-Corn, Early, Oats, Beans, &c. to the season for Winter Corn, Wheat and Rye. — *Arab. unam acram, seminabit cum semine Domini, eandem herciabit, videlicet dimidiam acram ad hibernagium & dimidiam ad tremagium, & carabit de fructu Domini.* *Chartular. Glasf. M. S. f. 91. a.* — *R. dei gratia Abbas Ecclesie S. Petri de Burgo.* Noverit Universitas vestra Nos concessisse hominibus nostris de Tindele. quod li-

beri sint & quieti — de festa halemotorum & sacchara & de ferris levandis — arabunt semel ad hibernagium & semel ad tremesium cum hoc quod habuerunt in curvis suis. *Chartular. S. Petri de Burgo Swafham vulgo appellat. MS. f. 227.*

Trebucher, Terbicherum, A Tumbrel or Cucking-stool, 3 par. *Inst. fol. 219.* See *Tribuch.*

Treete, Triticum, Wheat; in the Stat. 5 H. 3. Bread of treete seems to be that Bread which was made of fine Wheat. See *Cocket.*

Tremuta, Tremmia, Tremellum. The Hooper or Hopper of a Mill, into which the Corn is put to fall from thence to the Grinding-stones. — *Do libere molere in molendino meo, ita quod immediate post bladum existens in tremmia, quod vulgariter dicitur Ingratum, eorum bladum molatur.* Du Fresne in voce *Tremmia*. *Baldwin de Wake* to the Priory of *Deping*. — *Sciendum tamen est quod predicti Monachi facient festam molendini mei tam de blado suo quam hominum suorum. Ita quod ipsi habeant primam molituram post bladum quod invenerint in tremello Mon. Angl. vol. 1. p. 470.* So *Wids de Meriton* in his Charter to the Knights Templars. — *Concesserunt mihi Fratres unam libertatem ad suum molendinum scilicet molendi segetem pro multura reddenda pro segete qua est in tremuta.* *Paroch. Antiquit. p. 120.*

Trenchia, Tranchia, Fr. trancher, to cut. A Trench, or Dike Newly cut. — In a Perambulation, 33 H. 3. — *De Mechenley usq; ad quandam trenchiam qua vocatur Bythymeford.* *Chartular. Abbat. Glasf. MS. f. 97. a.*

Trental, Trentale, An Office for the dead that continued thirty days, or consisting of thirty Masses, from the Italian *Trenta*, that is, *triginta*, mentioned 1 E. 6. 14. See *Triennialia.*

Trespais, Transgressio, Signifies any transgression of the Law under Treason, Felony, or Misprision of either, *Stamf. Pl. Cor. fol. 38.* where he says, That for a Lord of the Parliament to depart from the Parliament without the King's License, is neither Treason nor Felony, but *trespais*. But it is most commonly used for that wrong or damage which is done either to the King in his Forest, or by one private Man to another; and in this signification it is of two sorts, *Trespais general*, otherwise termed *trespais vi & armis*; and *Trespais special*, otherwise called *Trespais upon the Case*; and this seemeth to be without force, howbeit sometimes they are confounded. How to distinguish the forms of these Writs or Actions, see *F. N. B. fol. 86, 87.* In an Action of *Trespais*, the Plaintiff always sues for Damages, or the value of the hurt done him by the Defendant. There is also *Trespais local*, and *Trespais transitory*. *Trespais local* is that which is so annexed to a place certain, that if the Defendant joyn issue upon the place, and traverse the place only by saying *absq; hoc*, that he did the *trespais* in the place mentioned in the Declaration, and aver it, it is enough to defeat the Action. *Trespais transitory*, is that which cannot be defeated by the Defendants traverse of the Peace, because the place is not material; but Actions of *trespais quare clausum fregit* ought to be local, *Braddon, lib. 4. cap. 34. num. 6.* divides *Transgressionem* in *Majorem & Minorem*. See also *New Book of Entries, verb. Trespais.*

Trespasants, as used by *Britton, cap. 29.* for Passengers.

Treshornare, To turn or divert another way; as *treshornare viam*, to turn the Road. *Rex Johannes in Carta concessa Hugoni Episcopo Lincoln.* — *Concessimus etiam quod tres turnare possit viam qua se extendit a Kenelmton versus Hunteodon per quandam partem bosci de Buggeden.*

Trewa, Trevia, Trenga. — A festivity. *S. Mi.*

S. Michaelis usq; ad Festum S. Andrea treuva (i.e. pax) erat in villa. Siquis eam infregisset inde Propositus Regis accipiebat communem emendationem. Lib. Domestici. Chentii. Dover.—*Pax dei, que vulgo Trevia dicitur, sicut ipse Princeps Guillelmus eam in initio constituerat summe teneatur. Constat. Norman. A. D. 1080.*—*Item diximus de treuga quod si aliquis vulnerat aliam, &c. treuga vero durat à die Mercurii usq; ad diem Luna manet. Cart. Dat. A. D. 1105. in Brady Append. Hist. Engl. p. 44.*

Trial, *Triatio*, Is used for the Examination of all Causes civil or criminal, according to the Laws of the Realm, before a proper Judge; of which there are divers kinds, as matters of Fact shall be tryed by the Jurors, matters of Law by the Justices, matters of Record by the Record it self. A Lord of Parliament upon an Indictment of Treason or Felony, shall be tryed without any Oath by his Peers upon their Honours and Allegiance; but in appeal at the Suit of any Subject, they shall be tryed *per bonos & legales homines*. If ancient Demesne be pleaded of a Mannor, and denied, this shall be tryed by the Record of *Doomsday*. Bastardy, Excommungement, lawfulness of Marriage, and other Ecclesiastical Matters, shall be tryed by the Bishops Certificate. Of the ancient Manner of tryal by Combate and great Assise, see *Combat and Assise*. See also *Stamf. Pl. Cor. cap. 1. & 3.* And twelve men. *Triatio est exactissima, litem contestata, coram Judice per duodecim-virale Sacramentum exactitatis*, Pat. 3 R. Joh. m. 3. in fidelitate Leulini. Statuitur de triatione differentiarum, disti Leulini, &c.

Tribuch and **Trebuchet**, *Terbichetum*, A Tumbrel or Cuckingstool; *Hæc omnia concedimus deo & Ecclesie Sancti Albani cum Soca & Saca on Strond & Strerme, on Telude & feld. Toll & Teym, Tribuch, Hamloken, Murdre, Forestal, &c. Carta Joh. Regis, Dat. 11. Jun. Anno Regni 1.*

Trithing and **Trithing**, *Trithinga* contains three or four Hundreds, or the third part of a Shire or Province: Also a Court held within that Circuit, which was the same we call a *Court Leet*, which is above a Court Baron, and inferior to the County Court. See *Camden*, pag. 102. *Breve de Attornato de loquelis, &c. Regist. 266.* *Provisum est quod quilibet liber homo liberè possit facere Attornationem suam ad loquelis prosequendis & defendendis moras in trithingis, Comitatus, Warpentachiis & aliis Curis sine breve nostro*, Sur le Statute de Merton, cap. 10. *Fiat autem usus Francii Plegii sic, viz. quod pax nostra teneatur & quod trithinga sit integra, sicut esse consuevit*, Mag. Charta, cap. 36. See *Fleta*, lib. 2. cap. 61. Sect. Final. & Origin. *Jurisdic. fol. 26.* See *Lath.* See *Pupilla oculi*, part 5. cap. 22. and *Roger Hoveden*, parte poster. suor. *annal. fol. 236.*

Tricennalia, *Tricennalia*, Months minds or Masses said for the dead during thirty Days, or one Month after their decease. *Inhibemus quoq; districius ne aliquis Rector Ecclesie faciat hujusmodi postum eam suo Sacerdote, videlicet, quod ipse Sacerdos prater cetera stipendia poterit recipere Annalia ut Tricennalia*. *Constat. Rob. Episc. Linc. apud Append. ad Fascicul. p. 411.*

Tridringmot, The Court held for a Triding or Trithing. In the Charter of Hen. 1. to the Church of St. Peter in York. *Nemo de terra Cannicorum S. Petri Wapentacum, nec Tridringmot nec Schiresmot sequatur, sed calumpnians vel columpnians ante hostium Monasterii S. Petri restitutum & recipiebat & faciebat.*—MS.

Trithingum, A Trithing, or Jurisdiction of three Hundreds. *Similiter in quinq; centuriatibus, dimidio de Wichelave, & uno & dimidio de Wyham & in trijugo de Wines-tune*. *Histor. Eliens. edit. Gale. lib. 2. cap. 2.* See *Triumvir*.

Triest or double soled shoes, 2 & 3 E. 6. cap. 9. It should rather be written *Creswel*, signifying the broad edge of the shoe sole round about.

Trinity-houle, Is a Houle at *Depford*, which belongs to a Company or Corporation of Seamen, that have Power, by the Kings Charter, to take knowledge of those that destroy Sea-marks, and to redress their doings; as also to correct the Faults of Sailors, &c. and to take care of divers other things belonging to Navigation, and the Seas, *Anno 8 Eliz. 13. and 35 Eliz. 6.*

Trinke, Is a kind of Net to catch Fish withal, *Anno 2 H. 6. cap. 15.*

Triours, Are such as be chosen by the Court to examine whether a Challenge made to the Pannel, or any of the Pannel, be just or no, *Bro. tit. Challenge, fol. 122. and Old Nat. Brev. fol. 158.*

Trinoda necessitas, A threefold necessary Tax or Imposition, to which all Lands were subjected in the Saxon times, i.e. toward the repairing of Bridges, the maintaining of Castles or Garisons, and an expedition to repel invading Enemies. In the Grant and Conveyance of Lands, they were many times exempted from all other Secular Service. *Excepta trinoda necessitate. Exceptis his tribus, expeditione, Pontis & Archi constructione*. *Paroch. Antiquit. p. 46.*

Triroda terre, A quantity of Land containing three Rods or Perches. *Dedit unam trirodam terre arabilis, qua est sojera cum pertinentiis in Staunford, MS.*

Trissa, A post or station in hunting. *In quo Rex cum ceteris superior consisteret, secundam legem venandi, quam vulgus tristam vocant, singulis proceribus cum suis canibus singula loca delegat, &c. X. Scriptor. f. 307.*

Tristis, *Tristis* & *Trisla*, From *Trast*, i. *Trust*, Is an immunity, whereby a Man is freed from his attendance on the Lord of a Forest, when he is disposed to chase within the Forest, and shall not be compelled to hold a Dog, follow the Chace, nor stand at a place appointed, which otherwise he might be under pains of Amerciament, *Manwood*, part 1. pag. 85. *Et sint quieti, &c. de Chevaglo, Hondpeny, Buckstall, & Tristis, & de omnibus misericordiis, &c. Priviled. de Semplingham, 4 Inst. fol. 306.*

Triumvir, A Trithing-man, or Constable of three Hundreds. *Nec mora adest Thord. cum Centuriatibus & Triumviris & Præcibus*. *Histor. Eliens. cap. 42.*

Trithing. See *Trithing*, 2 Inst. fol. 99.

Tronage, *Tronagium*, Is a Custom or Toll taken for weighing of Wooll. *Fleta*, lib. 2. cap. 12. sect. Item *Ulnas*, says, That *Trona* is a Beam to weigh with, mentioned in *Westm. 2. cap. 25.* And indeed *Tronage* was used not only for the Custom or Toll in the weight of Wooll, but for the weighing of it in a Staple or Publick Mart, by a common *Trona* or legal Standard. This *Trona* or Beam for the *Tronage* of Wooll, was fix'd at *Laden Hall* in London.

Tronator, From *Trona*, i. *statera*, An Officer in the City of London, who weighs the Wooll that is brought thither. See his Oath in the Book of *Oaths*, fol. 231.

Troper, *Troperiam*, *Troperium*, A Book of alternate turns or responses in singing Mass, call'd by *Lindwood*, *Liber sequentiarum*. *Thomas Becket* Archbishop of Canterbury pleaded—*Nulla justitia desuit Johanni in curia mea, sed ipse (nescio cujus consilio, an propria voluntatis motu) attulit in curia mea quandam Troper*, (it ought to be *Troper*) & juravit super illam, quod ipse pro defectu justitie à curia mea recessit—*R. de Hoveden Hist. p. 283.*

T Trua, Truga, Fr. Truie, a Sow. — *dedi terram cum restitamento unius porcarie de decem traits & uno verre.* — In another Charter — *de decem subius & uno verre.* Cartular. Abbat. Radinges, MS. fol. 93. b.

T Trover, Cometh of the French Trover, i. invenire, Is an Action which a Man hath against one, that having found any of his Goods, refuseth to deliver them upon demand. See the *New Book of Entries*, verb. Trover. Actions of Detinue are of late much turned into Actions upon the Case, *Sur Trover & Conversion*, Preface to *Roll's Abridgment*.

Troy-weight, *Pondus Troje.* See *Weight*.

T Truncus, A Trunk or wooden Box, set in Churches to receive the Oblations of pious and well-disposed people; of which, in the times of Popery, there were many at several Altars and Images, like the Boxes, which since the Reformation, have been placed nigh the Church-door, to receive all voluntary contributions for the Poor. — *Collectum Jerosolimitanum usibus destinandum truncus in singulis Ecclesiis ad alia fere conclusit.* Rad. de Dico sub anno 1566. These customary free-will Offerings that were dropt into these Trunks or Boxes, made up a good part of the Endowment of Vicars before the Reformation, and thereby, as in many other respects, made their condition then better, than in later times. In the Ordination of the Vicaridge of Lancaster, by Henry Bowet Archdeacon of Richmond, 1 March 1430. — *Vicarius habebit — panis benedicti emolumenta secundum consuetudinem dicta parochialis Ecclesie de Lancast. Oblationes quascumq; ad truncos tam in dicta Ecclesia de Lancast. quam alibi infra parochiam ipsius Ecclesie factas.* — *Collectan.* Matth. Hutton S. T. P. ex Registris Archid. Richmond, MS.

Trug, — *Tres Trugge frumenti vel avene faciunt 2 Bushels infra Prebendam de Hunderton in Ecclesia Heref.* MS. de temp. E. 3. And at Lempster at this day the Vicar has Trug-Corn allowed him for officiating at some Chappels of Ease (as Stoke and Dorkelay) within that Parish.

Trussa, A Truss or Bundle. Among the customary services done by the Tenants in *Chalesworth*. — *In vigilia S. Edmundi m. tent pro infirmis in Eleemosinaria sex rationabiles trussas straminis, & in vigilia Natalis Domini sex trussas, & in vigilia Pasche sex trussas.* Ex Cartular. S. Edmundi, MS. f. 410.

Trusta, A Cottage. *Omnibus, &c. Henricus Paulyn de Sancto Edmundo salutem.* — *Concessi redditum meum de Ricardo Piknot Spicero viij. den. per annum pro trusta sua ubi manet.* — *& de Rogero filio Ricardo Carpenterii iij. fol. per ann. pro trusta sua ubi manet in Hofenemestre.* — Ex Cartular. S. Edmundi, MS. f. 188.

Tuggs, Ropes or Harnes, or Traces for drawing, from Sax. *getogan*, to tug, or pull, or draw. *In ferramentis ad carucas emptis iij. fol. ij. den. in carucis per vias emendandis iv. den. in jugis & tuggis ad idem emptis ix. den.* — *Consuetud. domus de Farendon.* MS. f. 16.

Tumbrell, *Tumbrellum, Turbichetum*, Is an Engine of Punishment, which ought to be in every Liberty that hath view of Frank pledge, for the Correction of Scolds and unquiet Women, *Kitchin*, fol. 13. See *Cuckingstool*, *New Book of Entries*, *Franchise* 2. Et quo warranto 1. Item si aliquis qui in libertatem nostram, per assensum & consensum Combargensium nostrorum admissus fuerit, fecerit aliquid delictum, per quod ad penam publicam seu vile Judicium, ut ad Collistrigium vel tumbrellum, vel aliquid aliud hujusmodi adjudicatus fuerit, pro perjuro reputabitur, & ipso facto amittet libertatem suam, MS. Codex de Leg. Stat. & consuetud. Burgi villa Montgom. fol. 11.

Tun, Is a Measure of Wine or Oyl containing twelve score and twelve Gallons, 1 *Rich.* 3. cap. 12. 2 *H. 6.* 11. and 12 *Car.* 2. cap. 4. A Tun of Timber is forty solid Feet, a Load fifty.

Tunnage. See *Tonnage*. It began in the five and fortieth year of *Edw.* 3. *Cottoni Polihuma*, fol. 172. See 4 *Inll.* fol. 32.

Tungreve, A Reeve or Bayliff, *Qui in villis (quae dicimus Maneris.) Domini personam sustinet ejusque vice omnia disponat & moderatur.* See *Spelman*.

Turbary, *Turbaria*, From *turba*, an obsolete Latin word for a Turf: Is a right to dig turves on another Man's ground, *Kitchin*, fol. 94. And *Common of Turbary* is a liberty which some Tenants have by prescription to dig on the Lords Waste. *Turbaria* is also taken sometimes for the Ground where Turves are digged. And you shall find an Assise brought of *Common of Turbary* in 5 *Ass. Pl.* 9. & 7 *E.* 3. fol. 43. They likewise used *turbis* for the Turf, and *Turbarius* for the Turfay. *John de Gray*, Bishop of *Norwich*, grants the Monks of that Church this liberty within his Mannor of *Elmharn*, *Ut fodiant per vigum & liberationem servientium illius turbas in turbariis ejus in usus necessarios in dono sua propria apud Elmharn sine vasio turbarii & sine omni venditione turbarum.* Ex *Registr.* *Ecclesie Norwic.*

Turmericke, *Turmerica*, Is the Root of an Herb growing in *Arabia*, Medicinal against divers Diseases in Horses, and sometimes used for a Man also in case of the yellow Jaundice. It is reckoned among the garbleable Drugs, *Anno 1 Jac.* cap. 19.

Turn, *Turn*, Is the Sheriffs Court kept twice every year, viz. within a Month after Easter, and within a Month after Michaelmas, *Magna Charta*, cap. 35. and 3 *E.* 3. cap. 15. From this Court are exempted only Archbishops, Bishops, Abbots, Priors, Earls, Barons, all Religious Men and Women, and all such as have Hundreds of their own to be kept, *Anno 25 H.* 3. cap. 10. *Britton*, cap. 29. calls it *Tour*, id est, *ambitus circuitus*: It is a Court of Record in all things that pertains to it. It is the King's Leet through all the County, and the Sheriff is Judge, and this Court is incident to his Office. See *Crump. Jur.* fol. 230. and 4 *Inll.* fol. 260. See *Fleta*, lib. 2. cap. 52. and *Mirour of Just.* lib. 1. cap. De turnes.

Turney or Tournement, *Turnementum*, Comes from the French *Tourney*, i. *Decusforium*, and signifies a Martial Exercise of Knights or Gentlemen fighting on Horseback one with another in disport, and is thus defined, *Turnementa dicuntur Nundina vel feria in quibus milites ex condicio convenire & ad ostentationem virium suarum & audacia, temere congradi solent.* This word is used in the Statute *Anno 24 H.* 2. 13. But the thing it self is now totally disused.

Turntum, *Tonetum*, A Tax or Acknowledgment paid to the Sheriff for holding his Turn or County Court. — *Abbas & Conventus & Homines sui sunt ubiq; quieti de torneto, sed quo Warranto nesciunt.* — *Chartular.* Abbat. *Glaston.* MS. f. 87. a.

Turribulum, *Thuribulum*, The Incense Pot or Smoking Pan of Frankincense, used in the publick Devotions of the Church of *Rome*. — Among the common Ornaments of every Parish Church, before the Reformation, was — *Thuribulum cum navi*. — *Paroch. Antiquit.* p. 598. The Chorister or Boy who usually carried this *Thurible*, was call'd *Puer thuribularis*. And I have heard it a happy conjecture of a most Ingenious Friend, that a treble voice in Musick was owing to the small and shrill tone of the *Thuribular* or Incense-Bov. As the said Boy carrying a little tinkling Bell in one hand, might possibly give the name of treble to the least Bell.

Turno Vicecomitum, Is a Writ that lies for those

those that are called to the *Sheriffs* turn out of their own Hundred, *Reg. Orig. fol. 174.*

Twaite, Signifies a Wood grubbed up, and turned to Arable, *Co. on Lit. fol. 4.*

Twelve nights, *Hesper duarum noctium*, If he did any harm to any, his Host was not answerable for it, but himself, *Hoveden part. poster. suor. annal. fol. 345.* See *Three Nights* *awne* *hinde*.

Twelve Men, *Duodecim homines legales*, Otherwise called the *Jury* or *Enquest*, is a number of twelve persons, or upwards, to the number of twenty four, by whose Oath as to matter of Fact all Trials pass, both in civil and criminal Causes, through all Courts of the Common Law in this Realm. First, In civil Causes, when proof is made of the matter in question, then the point of the Fact (that they are to give their Verdict upon) is delivered likewise unto them, which we call the *Issue*; then they are put in mind of their Oath to do right, and are by the Judges, who sum up the Evidence, sent out of the Court by themselves, to consider upon the Evidence on both sides, until they be agreed, which done, they return to the Court, and deliver their Verdict by the mouth of their Fore-man; according to which (if the matter be not arrested or stay'd by the Court) the Judgment passeth. See *Glanville, lib. 2. cap. 14. 15.* In Causes criminal there are two sorts of *Enquests*, one called the *Grand Enquest*, the other the *Enquest of Life and Death*. The *Grand Enquest* is so called, either because it consists of sixteen at the least, or else because all Causes criminal or penal pass first through them; whereas the other *Enquest* is especially appointed for one or few matters touching Life and Death committed to their consideration. Those of the *Grand Enquest* are called by *Bracton Duodecim milites*, *lib. 3. tract. 2. cap. 1. num. 2.* Because they were wont to be Knights, if so many could be had: And their business is to receive all Presentments of any Offence, and accordingly to give their Opinion generally, either by writing these words, *Billa vera* upon the Bill of Presentment, which is an Indictment of the Party presented; or else this word *Ignoramus*, which is a doubting of the Fact presented. Now as criminal Causes be of two sorts, either capital or finable, so is there a double course of these Indictments; for in Causes only finable, the Party Indicted must either traverse the Indictment by denying it, and so it is referred to a *Petit Jury*, whereby he is either convicted or discharged of the Crime; or else if he confesses it, the Court setteth a Fine upon him without more ado. But in matters of Life and Death, the Party Indicted is commanded to hold up his hand, and answer, *Guilty* or *Not Guilty*; If *Guilty*, he standeth convicted by his own Confession; If *Not Guilty*, he is further referred to the Jury of Life and Death, who consider upon the Proof brought against the Prisoner, and accordingly bring in their Verdict; according to which he is either condemned or acquitted. Of this read more in *Indictment*, *Affise*, *Jury*. See the *Stat. 35 H. 8. cap. 6.* & *37 H. 8. 22.* 2 E. 6. 22. and 5 Eliz. cap. 25.

Twelfhinde, *Twihende*, *Twybind*, *Twybind-man*. Under our Saxon Government all Persons had such an estimate or value put upon their head, according to their Quality or Degree, and according to such estimation were reduced to their distinct classes, rank or order. The lowest Order was that of the *Coorks* or *Husband-men*, who were valued at 200 Shillings, and call'd *Twihinde-men*: The middle that of the lesser *Thanes* or *Free-holders*, who were valued at 600 Shillings, and thence call'd *Szaxpundmen*. The highest that of the *Thanes* or *Noblemen*, who were rated at 1200 Shillings, and call'd *twelfhinde-*

men. For which, see the *Laws of King Alfred*, cap. 12, 30, 31, 32. and of *R. Hen. 1. cap. 75. and 87.*

— *Siqua Lucia vel ordinata persona, aut etiam quipiam qui patria lingua Twelfhinde vel Twihende nominatur aliquam adversus Ecclesiam hanc voluisset calumniam machinari.* *Hist. Rames. Edit. Gale, cap. 57.*

Twilth, Is a British word signifying *Familia*, *famulitus*; *Tribus*, and is derived either from *Twle*, i.e. *locus ubi stetit domus vel locus edificanda domui aptus*, or else from *Twlath*, which signifies *Trabs*, *tignum*; In the first derivation it signifies a place whereon to build a House, and in the second a Beam in the building. And *Twilth* is a Tribe or Family branching or issuing forth of another, which we in our English Heraldry call *Second* or *third Houses*: So that in case the great Paternal Stock branched it self into several *Twilths*, or Houses, they carry no second or younger House further his *Twilth*, and the use of these *Twilths* was to shew not only the Originals of Families, as if their work had been merely to run over a Pedigree, but the several distinctions and distances of Birth, that in case any Line should make a failure, the next in degree may make an unconfounded use of their Interest, according to the Rules of Partition in *Gavelkind*.

Twylan, Accusation, Impeachment, or Charge of any Trespas or Offence. As in the *Laws of King Ethelred*, cap. 2. *Nec componat aliquis pro ulla twylan, si non interfit testimonium Præpositi Regis.* There is a mistake in the *Laws of R. Canute*, as published by *Brompton*, cap. 56. *Siquis amicis destitutus vel alienigena ad tantum laborem venerit, ut plegium non habeat, in prima thilac (it ought to be twylan) id est accusatione ponatur in carcanna, & ibi sustineat donec ad Dei iudicium eat.*

Twimber of Skins, Is forty Skins, *Book of Rates*, fol. 18.

Tympany, *Abbas & Monachi Rading* — *sint quieti de tributis & lassagiis & stallagiis de Thethingpeny & Tympany, de summationibus de assis & super assis, &c.* In *Memorand.* *Seac. de Anno 20 E. 3. int. Record. de Trin. Rot. 3.* It is elsewhere written *Tympany*. *Mon. Aug. 1. par. fol. 419.*

Tyne, — *Puer quidam submersus in vase aquario quod Gallice Tyne vocatur.* — *Liber de Miraculis Tho. de Cantilup. Episc. Hereford. MS. penes D. D. Will. Glynn Baronetum.*

V.

V. Is a numeral Letter, and stands in reckoning for five; And among the ancient Romans was usually written alone as a *Prænomen*, as *M. V.* for *Marcus Valerius*, and the like; whereof, among Latin Writers, you may find plentiful Examples.

Uacaria, A void place, or waste ground — *Dedimus omnia dominica nostra qua sunt in Com. Lanc. cum vacariis & furestis de Wireisdale & Lounisdale.* *Memorand. in Seaccar. Mich. 9. Ed. 1. by Sir John Maynard.*

Uacatura, A voidance, of vacancy, of any Ecclesiastical Benefice that shall hereafter happen. As *prima uacatura*, the first voidance, *proxima uacatura*, &c.

Uacation, *Vacatio*, Is all the respective time betwixt the end of one Term and the beginning of another. When such times began and ended in our Ancestors days, see *Roger Hoveden's Annals*, part. poster. fol. 343. where you shall find that this intermission

was called *Pax Dei & Ecclesie*. Also the time from the death of a Bishop, or other Spiritual Person, till the Bishoprick, or other Dignity, be supplied with another, is called *Vacation*. *Westm. 1. cap. 21: & 14 E. 3. cap. 4, 5. See Plenary.*

Uacca lactaria, A Milsh-Cow. — *Et pretere ad tres vaccas lactarias & ad unam Palefridum in mea dominica pastura. Reg. Priorat. de Wormley, MS. f. 49.*

Uachibia, A Vachary, a Dairy. — *Dedit en unam carucatam terre — & unam vachiviam de 40. vaccis cum seffa earum per tres annos, & pasturam ad 500 Oves cum seffa earum per tres annos, Mon. Angl. Tom. 3. p. 15.*

Uaccarius, The Cow-herd, or Herds-man, who looks after the common Herd of Cows. See his Office described in *Vleta*, lib. 2. cap. 2. This Officer is still in French call'd *Vacher*.

Uaccary or *Uaccary*, *Vacharia* alias *Vacheria*, Is a House or Place to keep Cows in. *Vleta*, lib. 2. cap. 41. *seffa. Item inquiratur 12. Domus sive locus quo vacca aluntur vel quo negotium quod ad eas pertinet, perficitur, saith Spelman.* A Dairy-house without warrant, no Subject may have a *vachary* within the Forest. *Crompt. Jur. fol. 194.* But in the Stat. 37 H. 8. cap. 15. *Vachary* seems to be a special Name of a certain compass of Ground within the Forest of *Ashdown*.

Uaga. See *Waga*.

Uadium, Wages, Salary, or other reward of Service upon compact or covenant. — *Philippus Episcopus Elien. &c. Noveritis Nos concessisse Waltero Farnham — officium custodis palatii nostri Elien. — & 11 denarios per diem pro vadis suis pro officio suprascripto.*

Dat. 1 Apr. 7. H. 6. — Ex Cartulario Ecol. Elien. MS. penes Joh. Episc. Norwic. f. 56.

Uer Uadium ponere. To take Security, Bail, or Pledges, for the appearance of a Delinquent in some Court of Justice. — *Edwardus Rex Vicecomiti Oxon. Salutem Precipimus tibi sicut alias tibi Precipimus quod ponas per vadium & saluos plegios Johannem de Burey. Paroch Antiquit. p. 334.*

Uadium, A Ford, or wading place, and are to Ford or Wade over. *Vadibilis*, Fordable or Passable.

In vadio exponere, To pawn, or leave any Equivalent as a Pledge or Surety, of returning Money borrowed or owing in *vadium ponere*, has the same sense.

Uadium mortuum, Literally a Mortgage, Lands or immoveable Goods so pawn'd or engag'd, to the Creditor, that he has a right to the mean Profits for the use of his Loan or Debt. See *Glanville*, lib. 10. cap. 8.

Uadiare duellum, To wage a Combat that was, when a Person challeng'd any other to decide a Controversy by Camp, Fight or Duel, and threw down a Gantlet, or the like sign of Defiance, which if the other took up, this was *vadiare duellum*, as it were to give and take a mutual pledge of fighting.

Valet, *Valet* or *Vadelet*, *Valetus* vel *valeffa*, *Qui juxta Dominum vadit seu ministrat.* It is a French word: A Servitor or Gentleman of the Privy Chamber, according to *Camden*: In the Accounts of the Inner-Temple, it is used for a Benchers Clerk or Servant: The Butler of the House corruptly calls them *Varlets*: In the Register of Writs 25. *Valetus*. If the Sheriff be a *Vadelect* of the Crown, &c. Co. on Lit. fol. 156. *Valet* was anciently a Name specially denoting young Gentlemen, though of great Descent or Quality, but now given to those of the rank of Yeomen, *Selden's Titles of Honour*, fol. 831. & See *Kemmet's Glossary in Valeffus*.

Ualue, *Valentia*, *Valor*; Is a known word, yet West in his Symbol, part 2. tit. *Indiements*, sect. 70.

Nicely distinguishes between *Value* and *Price*, His words are these, The *value* of those things in which Offences are committed, is usually comprised in *Indiements*, which seems necessary in *Theft* to make a difference from *Petit Larceny*, and in *Trespass* to aggravate the Fault, and increase the Fine: But no price of things, *sepe natura*, may be expressed, as of Deer, Hares, &c. if they be not in Parks and Warrens, which is a liberty, *Anno 8 E. 4. fol. 5.* nor of Charters of Land. And where the number of the things taken are to be expressed in the *Indiement*, as of young Doves in a Dove-house, young Hawks in a Wood, there must be said (*pretii*) or (*ad valentiam*) but of divers dead things *ad valentiam*, and not *pretii*, of Coyn not current, it shall be *pretii*; but of Coyn current it shall neither be said *pretii* nor *ad valentiam*, for the value and price thereof is certain.

Ualue of Marriage, *Valore maritagii*, Is a Writ that lies for the Lord, having proffered covenable Marriage to the Infant, without disparagement, if he refuse to take the Lords offer, to recover the value of the Marriage, *Reg. Orig. fol. 164. O'd Nat. Breu. fol. 90. See Palmer's Case, Co. lib. 5. fol. 126. and the Statute 12 Car. 2. cap. 24.*

Uana, In the Ordination of the Vicarage of *Ayskerth*, made 27 Apr. 1423. — *Vicarius percipiet 16. acras terre in campis de Ayskerth prope eandem Ecclesiam constitutus prout jacent in eisdem campis de Ayskerth simul in longitudine ab extremitate orientali de le Mankefere versus occidentem & le Gille usque vanam fere usque ad Midilbnel in le Sour myre eyng, &c. Colleshan. Matth. Hutton S. T. P. ex Registris Archid. Richmond.*

Uanga, A Spade or Mattock, or tool for digging. — *Unde factum est ut Russici imperitii vangis & fossariis affuete armis militaribus gloriarentur inviti. Gervas. Doroherm. sub anno 1198.*

Uantarius, *Præcursor*, As *Vantarius Regis*, the King's Fore-footman: *Richardus Rockefelle miles tenebat terras Seatonie per Serjantiam esse Vantarius Regis in Galesigne, donec perusus fuit pavi soluturum pretii 4 d. i. dum trivisset par calceorum pretii 4 d. Rot. de finibus, Term. Mich. 2 Ed. 2.*

Uanus, Sax. *Fana*. Lat. *Vannus*. A Fan or Vane, a versatile Ornament on the top of a House, or other Building, to shew the turning and setting of the Wind. — *Cum duobus ventilogiis videlicet vannis de Lyn emptis de fabro de Cherlton ponendis super utrumque finem predicti dormitorii v. fol. ij. den. Paroch. Antiquit. p. 575.*

Uariance, *Variatio*, Signifies an alteration, or change of condition, after a thing done: As the Commonalty of a Town make a Composition with an Abbot, and after obtain Bayliffs by Grant from the King. In this case, if the Abbot commence any Suit for breach of the Composition, he must vary from the word (*Commonalty*) set down in the Composition, and use *Bayliffs* and *Commonalty*, *Bro. tit. Variance*, fol. 292. It is also used for an alteration of something formerly laid in a Plea. See *Variance* in the New Book of Entries.

Uarlets, By a repealed Statute of 20 Rich. 2. cap. 2. were used for Yeomen or Yeomen-Servants. See *Valeffs*, and the Stat. 3 Car. 1. cap. 4. *Will. Hunt Varlet del Chambre nostre Seigneur le Roy, Clauf. 12 Rich. 2. M. 43. in Dors.* I suppose it miswritten for *Valet*.

Uasser, *Vassertus*, Seems to signifie ward, as appears by a Par. 1 H. 3. in Dors M. 13. *Concordia inter Regem & Radulphum de Normanvil, viz. quod Rad. tenebit in servitio Regis Geroldum & Radulphum milites filios suos, quamdiu guerra sua duraverit, tunc se, quod Rex ei remittat 200. marcas quas debebant Regi Johanni*

Johanni de fine pro redemptione dicti Geraldus & per sic deberetur; Thomas filius dicti Radulphi Vallettus in custodia Regis, qui similiter morabatur in servitio Regis cum praedictis Geraldus Radulpho fratribus suis.

Vassallus, Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe Fidelity and Service, and are called *Vassalli Jurati*. *Stene de verbor. Signif. verb.* Ligeantia, faith, That *Vassallus* is divided into *Homologum* & non *Homologum*. *Homologus* is he that sweareth Service with exception of a higher Lord, and non *Homologus*, is he that sweareth without exception, all one with *Ligeus*. And the same Author, verb. *Vassallus*, faith, That it is *Vassallus quasi Bassallus*, i. inferior socius, because the *Vassallus* is inferior to his Master, and must serve and reverence him; and yet he is in a manner his Companion, because each of them is obliged to the other.

Vassallia, Vassallage, or tenure of Vassals.

Writ, Is a Writ that lies for the Heir against the Tenant for term of Life or of Years, for making Waste, or for him in the Reversion or Remainder, *F. N. B. fol. 55. Reg. Orig. fol. 72. & 76. and Reg. Judic. fol. 17. 21. 23. & 69. Vide 6 E. 1. cap. 5.*

Waste, A Waste or Common lying open to the Cattle of all Tenants who have a right of Commoning. — *Thomas de Fekenhamb debet Regi quinque marcas & unum palefridum, sic quod inquisitio fiat utrum membrum illud de manerio de Buhal quod idem Thomas tenet debeat participare de vasto manerio de Brubul ratione commune ejusdem manerii in qua communia nihil habent ut dicunt. Paroch. Antiquit. p. 171.*

Waste, *Waste* vel *hottet*, That part of a Forest or Wood, wherein the Trees and Underwood were so destroy'd, that it lay in a manner waste and barren. *Sciatis quod de vastis nostris in foresta nostra de Bernewode in Com. Buck. dedimus, &c. Paroch. Antiquit. p. 351. Si hofcus Domini de Pidinton abeat in vastum, tum acquietabunt Dominum pro dictis hofabote & heybote, ib. p. 497.*

Vavasor alias *Vavasor*, Is one that in Dignities is next to a Baron, *Camb. Brit. pag. 109. Bradon, lib. 1. cap. 8.* says thus of them, — *Sunt & alii potentes Rege, qui dicuntur Barones, hoc est, robur Belli: Sunt & alii qui dicuntur Vavasores, viri magna dignitatis. Vavasor enim, nihil melius dici poterit quam vis fortium ad valetudinem. And Cambd. pag. 188.* says, *Primis etiam Normannorum temporibus & Thani proximi a Comitibus in dignitate censebantur & Vavasores majores (si illis qui de feudis scribant, credimus) iidem fuerunt Barones.* See more largely of these in *Spelman's Glossary*.

Vavasoria, *Vavasoria*, The Lands that a *Vavasor* held, — *Quod dicitur de Baronibus non est observandum in Vavasoria vel aliis minoribus feudis quam Baronibus, quia caput non habent sicut Baronibus, Brad. lib. 2. cap. 39.*

Vente money or *Vente noble money*, The Tenants of one of the Tythings within the Mannor of Bradford in *Wiltshire*, pay a yearly Rent by this Name to their Lord, the Marquess of Winchester, which is in lieu of veale paid formerly in kind.

Viewers, *Viewers*, May be derived from the French *voir, videre, intueri*, are such as are sent by the Court to take view of any place in question, for the better decision of the Right, *Old Nat. Brev. fol. 112.* So likewise *Bradon* uses it, *lib. 5. tract. 3. cap. 8.* It signifies also such as are sent to view those that Escoim themselves of *mala leſſi*, whether they bein truth so sick as they cannot appear, or whether they counterfeit, *Brad. lib. 5. tract. 2. cap. 10 & 14.* Lastly, It is used for those that are appointed to view an Offence, as a Man murdered, or a Virgin ravished. See *View*.

Veltrarius, One who leads Greyhounds, which Dogs in Germany are call'd *Welters*, in Italy *Veltròs*, in France *Vautres, Vautres*. — *Bertran de Crial tenuit manerium de Serene in com. Cant. per servitium inveniendi unum Veltrarium qui tres canes duceret in vasconiam quoties Rex transfretaret.* — *Blount of Tenures, p. 9.* The corrupted word *Feuterer* is still in some parts of England used for a Dog-keeper.

Veltraria, *Ministerium de Veltraria*, The Office of Dog-Leader or Courser, — *Henricus de la Mura reddit comitum de 28 l. 6 s. 8 d. pro ministerio Patrie sui de veltraria. Rot. Pip. 5. Steph.*

Venatio, The word was sometimes used for the Exercise of Hunting, but more often for the prey taken, or Venison. If any without License within the Liberties of the King's Forests, a severe penalty was impos'd at the next Swain-mote; which Fines and Amercements were not allow'd to the Forester, but commonly reserv'd to the King. So when *William Fitz-Nigel* enjoy'd several privileges as Forester of *Bermode*, it was — *Exceptis indilamentis de viridi & venatione, que Domino Regi omnino reservabantur.* — *Paroch. Antiquit. p. 73.*

Velum quadragesimale, A Veil or piece of Hanging drawn before the Altar in Lent, as a token of mourning and sorrow. — *Item ad quolibet altare cum contigerit missam inibi celebrari, sint superpellicea duo, & unum rochetum; velum quadragesimale, velum nuptiale, palla mortuorum, &c. Synod. Exon. anno 1287. cap. 12.*

Venditioni exponas, Is a Writ Judicial, directed to the Under-Sheriff, commanding him to sell Goods which he hath formerly by Commandment taken into his hands, for the satisfying a Judgment given in the King's Court, *Reg. Judic. fol. 33. and Anno 14 Car. 2. cap. 21.*

Venditor Regis, The King's Seller or Salesman; the Person who expos'd to Sale those Goods and Chattels which were seisd or distrain'd to answer any Debt due to the King. — *Philippus de Lardiner clamat esse Venditorem Domini Regis de feodo in Com. Ebor. de omnibus rebus que vendi debent pro debito Domini Regis, vel etiam pro Auro Regine: ita videlicet quod ipse vel certus suus Attornatus ibit ad mandatum Vicecomitis de loco in locum infra Com. sumptibus suis ad praedictas venditiones faciendas; & capiat de unaquaque venditione pro feodo suo xxxij. den. Quo Warrant. Ebor. temp. Ed. 1.*

Venite facias, Is a Writ Judicial directed to the Under-Sheriff, and goeth out of the Record, and lies where two Parties plead, and come to Issue; for then the Party, Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause twelve Men of the same County to say the truth upon the Issue taken. And if this Enquest come not at the day of the Writ returned, then shall go a *Habeas Corpora*, and after a Distress, until they come, *Old Nat. Brev. fol. 157.* See how diversly this Writ is used in the Table of the *Register Judicial*. There is also a Writ of this Name, that is *Original*, as appears in *Reg. Orig. fol. 200.* Which *Lamb.* in his *Processus* annex'd to his *Eirenarchia*, says, Is the common Process upon any Presentment, not being Felony, nor specially appointed for the Fault presented by Statute, whereof he sets down an example in the same place. See also the *New Book of Entries*, verb. *Enquest*, fol. 253. and 35 H. 8. cap. 5.

Venite facias tor matronas, See *Ventre inspicendo*, and *Lamb. Eren. lib. 4. cap. 14. pag. 522.*

Ventarium, The Hymn Book or Psalter, wherein the Psalm *Venite exultemus Domino*, was wrote with musical Notes, as it was to be sung at the beginning of Matins. In the Statutes of the Cathedral Church of *St. Paul's* in London, it was Ordained, *De Vicariis*

Vicarii de novo recepti & in posterum recipiendi singulis diebus infra annum probationis sue unum Nollurnum Psalterii ita dicant & attente & ymnarium ac communem Sanctorum historiam, Invitatoria, & Venitarium adeo diligenter interea repetant quod ea corde tenus omnia habeant. Liber Stat. Eccl. Paul. MS.

Ventorium, A Wind-Fan for winnowing Corn. — *Idem computat in panno ad saccos & ad ventorium empto iij. fol. vi. den.* — *Consuetud. domus de Farendon.* MS. f. 16.

Ventre inspiciendo, Is a Writ for the search of a Woman that saith she is with Child, and thereby with-holdeth Land from him that is next Heir at Law, *Reg. Orig. fol. 227.*

De ventre inspiciendo, Form and Process of it. *Thomas de Aldham of Surry, Brother of Adam de Aldham, claim'd his said Brothers Estate, but Joan Widow of the said Adam pleaded she was with Child; whereupon the said Thomas obtain'd this Writ of the King to the Sheriff. — Quod assumptis tecum discretis & legalibus militibus & discretis & legalibus mulieribus de comitatu tuo in propria persona accedas ad ipsum Johannem & ipsam & predictis mulieribus coram prefatis militibus videri facias & diligenter tractari per ubera & per ventrem, & inquisitionem factam certificari facias sub sigillo tuo & sigillo duorum Militum Justitiariorum nostris apud Westm. T. M. de Pateshal apud Westm. xv. Feb. Claus. 4 H. 3.*

Venne or **Veneu**, *Vicinetam* alias *Visnetam*, Is taken for a Neighbouring place, *Locus quem vicini habitant.* For example, Twelve of the Assise ought to be of the same *venue* where the demand is made, *Old Nat. Brev. fol. 115. and Anno 4 H. 4. cap. 26. and 25 Hen. 8. cap. 6.* And also shall return in every such Panel upon the *Venire* Facias six sufficient Hundreders at the least. If there be so many within the Hundred where the *Venne* lies. See *Vifne*.

Vero. See *Vert*.

Vexderos, *Vividarius*, From the French *Verdeur*, i. *Custos nemoris*, Is a judicial Officer of the King's Forest, chosen by the King's Writ in the full County of the same Shire, within the Forest where he dwells, and is sworn to maintain and keep the Assises of the Forest, and to view, receive and enrol the Attachments and Presentments of all manner of Trespasses of Vert and Venison in the Forest, *Manwood, part 1. pag. 332.* His Office is properly to look to the Vert, and see it well maintained, *Crompt. Jur. fol. 165.* His Oath, Fee and Authority, you may see in *Manwood, part 1. pag. 51.* He is to sit in the Court of Attachment, to see the Attachments of the Forest, to receive the same of the Foresters and Woodwards that present them, and then to enter them into their Rolls.

Verdict, *Verdictum quasi dictum veritatis*, Is the Answer of a Jury made upon any Cause civil or criminal committed by the Court to their Examination: And this is twofold, *General* or *Special*; A *General Verdict* is that (*Stamf. Pl. Cor. lib. 3. cap. 9.*) which is given or brought into the Court in like general terms to the general Issue, as in an Action of Disceisin, the Defendant pleadeth, *No wrong, no Disceisin*; then the Issue is general, whether the Fact be a wrong or not, which being committed to the Jury, they upon consideration of their Evidence come in and say either for the Plaintiff, that it is a Wrong and Disceisin; or for the Defendant, that it is no wrong, no disceisin. A *special Verdict* is, when they say at large, that such a thing and such a thing they find to be done by the Defendant or Tenant so declaring the course of the Fact, as in their Opinion it is proved; and as to the Law upon the Fact, they pray the Judgment of the Court: And this *special Verdict*, if it contain any ample Declaration of the Cause from the beginning to

the end, is also called a *Verdict* at large, whereof read Examples in *Stamf. ubi supra, New Book of Entries, verb. Verdict*, and *Co. on Lit. fol. 228.*

Verbot, A Packet-Boat, or Transport-Vessel. — *H. Prior Ecclesie Christi Cant. & Conventus concedunt serenissima Domine A. Regine Anglie Consorti Domini Regis totam custumam & redditum—in villa & portu de Sandwic. — Salvo nobis & nostris, item Abbatibus & Conventui S. Augustini Cant. & eorum familia libero passagio in portu predicto in catello qua dicitur Verebot, salva insuper nobis, &c.* Dat. anno 18 Ed. 1. Ex Registr. Ecclesie Christi Cant. MS.

Vetecum, According to *Doomsday* Book signifies Fallow-ground.

Vetecundium, Injury; Trespass Damage. — *Ea conventionione, ut ipse Calvellus & heredes sui singulis annis dent cellerario 52. fol. pro omni re, preter tres forisfacturas, id est, mardum & sartam, si ipse Calvellus vel heredes sui fecerint, & preter si vetecundium ipse vel heredes sui fecerint Monachis Ecclesie vel servientibus eorum.* — *Somner of Gavelkind, page 174.*

Verge, *Virgata*, May seem to come from the French *Verger*, *viridarium*, and is used here in England for the compass of the King's Court, which bounds the Jurisdiction of the Lord Steward of the King's Household, and of the Coroner of the King's House, and that seems to have been twelve Miles compass, *Anno 13 Rich. 2. stat. 1. cap. 3. F. N. B. fol. 24. Britton, fol. 68. 69. Co. Rep. lib. 4. fol. 47.* See also 33 H. 8. 12. *Fleta, lib. 2. cap. 4. f. 1.* says, This compass about the Court is called *Virgata*, a *virga* quam *Marshallus* portat ut signum sua prestat. *Verge* hath also another signification, and is for a Stick or Rod, whereby one is admitted Tenant, and holding it in his Hand, swears Fealty to the Lord of a Mannor, who for that cause is called *Tenant by the Verge*, *Old Nat. Brev. fol. 17. and Lit. lib. 1. cap. 10.*

Verge of Land, *Virgata terra*, 28 E. 1. Statute of Wards. See *Tard-land*.

Vergers, *Virgatores*, Are such as carry white Wands before the Justices of either Bench, *Fleta, lib. 2. cap. 38.* Otherwise called *Portatores Virga*.

Vetrole, Some dissempir incident to Sheep. — *Cui apparuit Dominus Dicens, Filiole, quid facis hic? & respondit Domine custodio Oves meas de verolis & clausike — salventur Oves iste de verolis & clausike & omnibus aliis infirmitatibus in honore Domini nostri Jesu Christi, Amen.* Fragment of a Legend in *Consuetud. Domus de Farendon, MS. f. 48.*

Very Lord and **Very Tenant**, *Verus Dominus & verus Tenens*, Are they that be immediate Lord and Tenant one to the other, *Br. tit. Harior, fol. 23.* In the *Old Nat. Brev.* and in the Writ *Replegiari de averiis*, you may read these words. And know ye, That in taking of Leases six things are necessary, that is to say, *very Lord* and *very Tenant*, Service behind, the day of the taking, Seisin of the Services, and within his Fee. And that a Man is not *very Tenant*, until he have returned to the Lord by some Service. See 19 H. 7. cap. 15. And see *Tenant*.

Vert, *Viride*, Is made of the French *Vert*, *viridis*, Otherwise called *Green-bue*, signifies in the Forest Laws every thing that grows and bears green leaf within the Forest that may cover a Deer, *Manwood, 2 par. fol. 6. & 33.* And it is divided into *Over-vert* and *Nether-vert*. *Over-vert* is that which our Law Books call *Hault Bois*, and *Nether-vert* is that which they call *South Bois*. And of this you may read *Manwood's 2 par. cap. 6. per totum.* There is also a *Vert* called *Special vert*, and that is all Trees that grow in the King's Woods within the Forest, and all the Trees that grow there in other mens Woods, if they be such

Trées as bear Fruit to feed Deer; which are called *Special vert*, because the destroying of such *vert* is more grievously punished than the destruction of other *vert* is. See *Manwood*, cap. 6. num. 2. fol. 35.

Uterilis, Otherwise called *Plankets*, Anno 1 R. 3. cap. 8. a kind of Cloth.

Uteris, Anno 1 R. 3. cap. 8. and 14 & 15 H. 8. cap. 11. otherwise called *Ser-Clothes*, most commonly made in *Suffolk*.

Uteris, *Vetches*, *Tares*. *Idem redditu compotum de xij. quarteris fabarum & velciarum venditarum.*—*Conuetud. domus de Farendon, MS. f. 16.*

Uteris, The Vest, Vesture, or Crop on the ground.—*Prata de pallia sunt, & apparuerunt vestam & alias violentias fecerunt.* *Hist. Croyland. Contin. p. 454.*

Uteris, Vestire, *Plenam possessionem terra vel pradii tradere, seisinam dare, infesdare*, *saith Spelman.*

Uteris-men, Anno 15 Car. 2. cap. 5. Are a select number of the chief Parishioners in every Parish within the City of London and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its Concernments; so called, because they usually meet in the *Vestry* of the Church.

Uteris, *Vestura*, Signifies a Garment, but in the Law, metaphorically turned to betoken a Possession, or an admittance to a Possession or Seisin; so it is taken in *Westm.* 2. cap. 25. And in this signification 'tis borrowed of the *Feudists*, with whom *Investitura* signifies a delivery of Possession by a Spear or Staff, and *Vestura* Possession itself, *Hotman in verb. Feudal. verb. Investitura.*

Uteris, A Crop of Grass or Corn. As in the Cartulary of the Abbey of S. Edmundbury, MS. f. 182.

—*Prior recipit annuatim de Cellerario—de feno equorum primæ vesturæ (i. e. of the first Crop or Mowing) duas carellas quatuor equorum—& de secunda vestura (i. e. of the second Crop or after math) duas carellas, &c.* The word was often used for a Vest, Vesture, Livery, Delivery; i. e. an Allowance of some set portion of the products of the Earth, as Corn, Grass, Wood, &c. for part of the Salary or Wages to some Officer, Servant, or Labourer, for their Livery or Vest. So Foresters had a certain allowance of Timber and Underwood yearly out of the Forest for their own use.—*Annuatim percipiendum tantum de roboribus & brueris quantum pro vestura indigerint.* *Paroch. Antiquit. p. 620.*

Uteris of an Acre of Land, Anno 14 E. 3. stat. 1. Is the profit of it. So in *extenta Manerii*, 4 Ed. 1. it is inquirable, how much the Vulture of an Acre is worth, and how much the Land is worth when the Wood is felled.

Uteris *Namium*, *Namium*, Signifies a taking or distress, and *Vetitum* forbidden; as when the Bailiff of a Lord distrains Beasts or Goods, and the Lord forbids his Bailiff to deliver them when the Sheriff comes to Replevy them, and to that end drives them to places unknown; or when without any words they are so cloined, as they cannot be replevied, divers Lords of Hundreds and Courts Baron, have power to hold Plea *De verito namio*, in old Books called *De vet. 2. Infl. fol. 140.* *Spelman* says it is, *Antiqua juris vestri locutio & brevis Regis nomen.* See *Naam*.

Uteris *deliberando occasione cuiusdam Recognitioms*, &c. Is a Writ that lies for a Spiritual Person imprisoned, upon forfeiture of a Recognisance, without the King's Writ, *Register of Writs*, vol. 147.

De vi Laica amovenda, When the Bishop of a Diocess has certified into the Court of Chancery, that the Rector or Vicar of any Church within his Jurisdiction is kept out of his Manse, or Glebe, or Church, by any Lay-force or intruding Power; then

may a Writ be granted to the Sheriff, to remove all such violence and usurpation, which Writ is therefore so call'd, *De vi Laica amovenda.*—*Edwardus Rex Vicecom. Oxon. Salutem. Tibi precipimus quod omnem vim Laicam que se tenet in Ecclesia de Bokenhull, quominus idem Episcopus officium suum spirituale ibidem exercere possit sine mora amoveas ab eadem.*—*Paroch. Antiquit. p. 335.* See *Vi Laica remvenda*.

Alia Regia, The High-way, or Common-road, call'd the King's way, because authoriz'd by him, and under his protection.—*Via Regia tanta vero debet esse ut inibi duo carri sibi possint obviari, & babulci de longo flumini sui possint assimilare.* *Leg. Hen. 1. cap. 80.*

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signifies as much as belonging to the Sheriff; as *Writs vicontiel*, are such Writs as are triable in the County, or Sheriffs Court, *Old Nat. Brev. fol. 109.* Of this kind you may see divers Writs of Nuisance set down by Fitzherbert in his *Nat. Brev. fol. 184.* *Vicontiels*, *Vicecomitilia*, are certain Farms which the Sheriff pays a Rent to the King, and makes what profit he can of them. See the Stat. 33 & 34 H. 8. cap. 16. 2 & 3 E. 6. cap. 4. 4 H. 5. cap. 2. 6 R. 2. cap. 3.

Vicontiel Rents, Mentioned 22 Car. 2. cap. 6. See *Vicontiel*. & The *Vicontiel Rents* usually came under the Title of *Firma Comitatus*, which were written generally *sub nomine Vicecom.* without expression of the particulars. The Sheriff had a particular Roll of the *Vicontiel Rents* given in to him, which Roll he delivered back with his *Accompts.* Vid. *Hale of Sheriffs Accompts*, p. 40.

Udismus. See *Innotescimus*, Anno 15 H. 8. cap. 3. *Uieu*, *Vissu*, Signifies the Act of Viewers; for when an Action real or personal is brought, and the Tenant knows not well what Land it is that the Demandant asks, then may he pray the *view*; which is, that he may see the Land which is claimed; of this Britton writes, cap. 45. This course of proceeding we have received from the Normans, as appears by the *Grand Customary*, cap. 96. 80. & 96. This *view* is used as in other cases, so in an Assise of Rent-service, Rent-charge, or Rent-seck, *F. N. B. fol. 178.* and in a Writ *De Curia claudenda*. Ibid. fol. 128. In a Writ of Nuisance, Ib. fol. 123. In a Writ *Quo jure*, Ib. fol. 128. In the Writ *De rationabilibus districtis*, Ib. fol. 129. and in the Writ *De sefta ad Molendinum*, Ib. 123. See the *New Book of Entries*, verb. *View*, and how this *view* is made in *Fleta*, lib. 4. cap. 6. See *Vejours*, and *Westm.* 2. cap. 48.

Uieu of Frank-pledge, *Vissu Franci plegii*, Is the Office which the Sheriff in his County Court, or the Bayliff in his Hundred, performs in looking to the King's Peace, and seeing that every Man be in some Pledge. This is called by Bracton, lib. 2. cap. 5. num. 7. in fine, *Res quasi sacra, quia solam personam Regis respicit & quod introductus sit pro pace & communi utilitate*, Ibid. cap. 16. num. 8. See *Frank-pledge*, *Leet* and *Decennier*. Also see the *New Book of Entries* on this word.

Uilatra remobenda, Is a Writ that lies where debate is between two Parsons or Provisors for a Church, and one of them enters into it with a great number and Lay-men, and holds the other out *vi & armis*: He that is holden out shall have this Writ directed to the Sheriff, that he remove the force. And this Writ is returnable, and shall not be granted, until the Bishop of the Diocese, where such Church is, hath certified into the Chancery such resisting and force. For the several forms of this Writ, see *F. N. B. fol. 54.* and *Reg. Orig. fol. 59.*

Uduitaris professio, The making a solemn profession to live a sole and chaste Widow; of which custom in England, the practice and ceremonies attending it are well delivered by Mr. Dugdale in his *Antiquities of Warwickshire*, p. 319. & 654.

Uigill, *Vigilia*, Is used for the Eve or Day next before any Solemn Feast, because then Christians of old were wont to watch, fast and pray in their Churches. See Anno 2 & 3 E. 6. cap. 19.

Uill, *Villa*, Is sometimes taken for a Mannor, and sometimes for a Parish, or part of it. *Villa apud Saxones nostros antiquos Romano sensu accipi videtur, pro pradio unius alicujus in rure, cum idoneis aedibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexione, quod in oppidis potius expectandum esset & successivis temporibus villis postea introductum est*, Spelman. *Vill* and *Parish* shall

be intended all one, *Cro. Rep. 2. par. fol. 263.* *Wray's Case*, yet there may be two *Vills* in one *Parish*, Id. fol. 120. *Stork's Case*.

Uilla Regia, A Title given to those Country Villages, where the Kings of England had a Royal Seat or Palace, and held the Mannor in their own Demesne, and had there commonly a free Chapel, not subjected to Ecclesiastical Ordinary Jurisdiction. So *Brill*, *Com. Buck.* was a *Villa Regia*. So was *Hedington*, *Com. Oxon. &c.* Paroch. Antiquit. p. 53.

Uillaine, *Villanus*, Signifies as much as *Servus* among the *Civilians*. A Man of servile or base degree, from the French *Vilain*, *villis*, or from the Latin *Villa*, a Country Farm, whereto they were deputed to do Service: Of these Bond-men or *Villains*, there were two sorts in England, one termed a *Villain in gross*, who was immediately bound to the person of his Lord and his Heirs. The other a *Villain* regardant to a Mannor, whom the *Civilians* term *Glebe ascriptitium*, being bound to his Lord as a Member belonging and annexed to a Mannor, whereof the Lord was Owner, *Smith de Rep. Anglor. lib. 3. cap. 8.* *Old Nat. Brev. fol. 8.* and *Bracton*, lib. 1. cap. 6. num. 4. He was properly a pure *Villain*, of whom the Lord took Redemption to marry his Daughter, and to make him free; and whom the Lord might put out of his Lands and Tenements, Goods and Chattels, at his Will, and Beat and Chastise, but not Maim him. There are not truly any *Villains* now, though the Law concerning them stands unrepealed. We have hardly heard of any Case in Villenage since *Crouche's Case* in *Dyer*. And *Spelman* says, *Servorum & Nativorum apud nos sublata est conditio, & quas ideo possidebant terras vel pradia, hodie liberè tenent sub antiqua servitutis consuetudine*. See *Kennett's Glossary*.

Uillanis Regis substractis reducendis, Is a Writ that lay for the bringing back of the King's Bondmen, that had been carried away by others out of his Mannors, whereto they belonged, *Reg. Orig. fol. 87.*

Uillein fleeces, Are fleeces of Wool that are shorn from scabbed Sheep, 31 E. 3. cap. 8.

Uilleinous Judgment, *Villanum judicium*, Is that which casts the Reproach of Villany and Shame upon him against whom it is given as a Conspirator, &c. *Stamf. Pl. Cor. lib. 3. cap. 3. cap. 12. fol. 175.* This *Lamb*, in his *Erenarch*, lib. 1. cap. 13. pag. 63. calls *Villainous Punishment*, and says, It may be well call'd *Villainous*, because the Judgment in such case shall be like the ancient Judgment in *Attaint*, as is said, Anno 4 H. 5. *Fitzh. Judgment* 220. And in 27 *Lib. Ass. Pl. 59.* set down to be, That they shall not be of any Credit afterward, nor lawful for them in Person to approach the King's Court, and that their Lands and Goods be seized into the King's hands, their Trees rooted up, and their Bodies imprisoned, &c. And at this Day the Punishment appointed for Perjury (having somewhat more in it than Corporal or Pecuniary pain, stretching to the discrediting the Testimony of the Offender for ever) may be partaker of this Name. This, and such like, is elsewhere termed *Vile & odibile judicium*. Vid. *Pillory*.

Uillennage, *Villennagium*, Cometh of *Villain*, and signifies a servile kind of Tenure belonging to Lands or Tenements, whereby the Tenant was bound to do all such Services as the Lord commanded, or were fit for a Villain to do; For every one that held in *Villennage*, was not a Villain or Bond-man: *Villennagium vel servitium nihil detrabit libertatis, habita tamen distinctione, utrum tales sint Villani & teneant in Villano foccagio de Dominico Domini Regis*, *Bract. lib. 1. cap. 6. num. 1.* The division of *Villennage* was into *villennage by Blood*, and *villennage by Tenure*. Tenure in *villennage* could make no Freeman Villain, unless it were

continued time out of Mind, nor free Land make a Villain free. *Bracton, lib. 2. cap. 2. num. 3.* divides it into *Parum villenagium*, à quo præstatur servitium incertum & indeterminatum ubi scire non poteris vespere, quale servitium fieri debet manere, viz. *Ubi quis facere tenetur quicquid ei præceptum fuerit*; The other he calls *Villanum focagium*, and was tied to the performance of certain Services agreed upon between the Lord and Tenant, and was to carry the Lord's Dung into his Fields, to Plough his Grounds at certain days, to reap his Corn, plash his Hedges, &c. As the Inhabitants of *Bickton* were bound to do for those of *Clan Castle* in *Shropshire*, which was afterwards turned into a Rent, now called *Bickton-Silver*, and the Service excused. *Will. Maynard qui tenet terras in Hevisi cognoscit se esse Villanum Abbatis de Abendon & tenere de eo in Villenagio, & per Villanas consuetudines, viz. per servitium 12 d. per annum & dandi Maritagium & Marchetum pro filia & sorore sua, ad voluntatem ipsius Abbatis & faciendi omnes Villanas consuetudines.* Copy-holders is but a new Name, for anciently they were called *Tenants in villenage*, or, of *base Tenure*, *F. N. B. fol. 28.* But the Slavery of this Custom hath received its Deaths wound, in favour of *libertatis*: For *Sir Edward Coke* out of *Forde's* hath this Note, *Impius & crudelis judicandus qui libertati non faveret*; And gives this as the reason of it, *Anglia jura in omni casu dant favorem libertati*; The sense of Liberty was of so great force and power, and the favour due unto it according to Law and Right of so great respect, that those and the like Prellures have received change and alteration.

Alant, A kind of Flower or Border, which Printers use, to beautify printed Leaves in the beginning of Books. See *Anno 14 Car. 2. cap. 33.*

Aliga, A Rod or white Staff, such as Sheriffs, Bayliffs, &c. carry as a Badge or Ensign of their Office. — *Rauf ap Howell ap Philip Præpositus de Llan-tistyn americiatus pro eo quod habuit in manu sua coram Justitiariis hic virgam nigram & inbinesiam, ubi habere debuisset virgam albam & honestam de certa longitudine prout decet.* *Sess. Itin. de Cardiff 7 Mart. 7 Hen. 6.*

Aligata terra, Otherwise *Virga terra*, A Yardland, *Reg. Orig. fol. 167.* Decem acra terre faciunt secundum antiquam consuetudinem, unam ferdellam, & quatuor ferdella faciunt virgatum, *MS. Codex.* See *Yard-land.* See *Kennet's Glossary.*

Alidario eligendo, Is a Writ that lies for the choice of a *Verdour* in the Forest, *Reg. Orig. fol. 177.*

Alitia, The privy parts of a Man, the cutting off, which was Felony by the Common Law, whether the Party consented or not, *Bract. lib. 3. fol. 44.* *Henricus Hall & A. uxor ejus capti & detenti in Prisona de Evilchester, eo quod reſtati fuerint, quod ipsi abſiderunt virilia Johannis Monachi, quem idem Henricus deprehendit cum prædella A. uxore ejus, Rot. Claus. 12 H. 3. m. 9.*

Aliga ferrea. — *Sciant, &c. Quod ego Hamundus viri dedi, &c. Nich. filio Edde pro 8 s. sterlingis quos mihi dedit pro manibus, unam placetam terra mea in vico versus Dullece, que jacet inter terram meam & terram Philippi filii Heylin, cujus latitudo in fronte continet in se 16. Virgas ferreas præter unam quarterionem & totidem à retro, &c.* *Ex libr. Cart. Prior. Leonminster.* This was so many yards according to the King's Standard in the Exchequer, which anciently it seems was of Iron, but now of Brass.

Aliga alnacia A Yard measured according to the legal Ell or true Standard. — *Terra mea continet de latitudine in fronte septem vergas alnarias & dimidium cum pollice interposita.* *Cartular. Radings, MS. f. 120.*

Alis, Force; So we say, *Vi & armis*, By force of

Arms, and this force is five-fold, *vis impulsiva, ablativa, expulsiva, turbativa & inquietativa*: *vis ablativa* is the taking away of moveable things: And hence accrues an Action, *quæ vi & armis, &c.* *Vis impulsiva*, by which a Man is compelled to do that which otherwise he would not do of his own free will. And from this also accrues an Action: *Vis expulsiva* is, when any one is cast out of his Possession by Force and Arms. *Vis turbativa* is, when any one is disturbed in his Possession, as when two strive to possess the same thing. *Vis inquietativa* is, when one Man will not suffer another quietly to enjoy his Right, or to do a thing in his own Bounds or Limits. And from all these, some sort of Action, will arise.

Visitatio, *Visitatio*, Is that Office or Action that is performed by a Bishop in every Diocess once every three years, or by the Archdeacon once a year, by visiting the Churches and their Rectors, &c.

Visitatio of Mannors, *Visitatio maniorum*, Was wont to be the Name of the Regarders Office in ancient time, *Manwood, part 1. pag. 195.* See *Regarder*.

Vicini, *Vicinium*, Signifies a Neighbour-place, or a place near at hand, *Anno 18 R. 2. cap. 6.* *Dicitur Vicinium, in jure nullo locus quem vicini habitant, qui olim intelligebantur de eadem villa sive ad jacentibus atq; alias de eodem Hundredo vel proximo; modo vero de eodem pago, sive Comitatu, hoc est compageses.* *Spelman. See Vener.*

Vilius, *Vilius*, View, Inspection. — *Capiant de boschis suis quod necesse iis fuerit sine vasto & hoc per visum forestarii sui & viridarium suorum.* *Reg. Hoveden. p. 784.* See *view*.

Vilius Franci plegit, Is a Writ to exempt him from coming to the view of *Frank-pledge*, who is not resident within the Hundred; for Men are bound to this view, by reason of their Habitation, and not of Lands held where they dwell not, *Reg. Orig. fol. 175.*

Vitteller or *Vitualer*, *Vitularius* or *Vitellarius*, Is he that sells Victuals; for whom there is a Writ in *F. N. B. fol. 172.* If they exercise their Trade, bearing a Magistracy in any Town Corporate. We call now all Common Alehouse Keepers generally by the name of *Vituallers*.

Alna ferrea, The Standard Ell of Iron kept in the Exchequer for the Rule of Measure. — *Tota terra illam qua continet in fronte secus vicum Regium occidentalem in latitudine 44 ulnarum de ulnis ferreis Johannis Regis Anglie, & in capite orientali versus campum.* — *127 ulnas de eisdem ulnis.* *Mon. Angl. Tom. 2. p. 383.*

Alia pecunia, Anciently used for live Cattel. See *Pecunia*.

Alia voce. See *Deposition*.

Alvay, *Vivarium*, Signifies a place of Land or Water, where living Creatures are kept. In Law it signifies most commonly a Park, Warren, Fish-pond or Piscary, *Co. 2 Inst. fol. 100.*

Altagium, Violence, Outrage. — *Justitiarius sex milites de Northampton ad videndum & plenius cognoscendum illud incomparabile altagium transmissit.* *Hist. Croyland. Contin. p. 454.*

Alnat, *Inter consuetudines de Colsefeld debet falcare anam pratum Domini vocatum Overcannedwe a mane usque ad nonam pro uno opere, & deinde levare & unare distum pratum quod falcaverit.* — *Cartular. S. Edmundi, MS. h. 388.* where *Unare* or *Unare* can mean nothing more than to *Un*, or get in or make up the Hay fit for Carriage.

Alia terra, *Alia ager*. These Phrases often occur in the Charters of the British Kings, and signify some measure or quantity of Land. — *Sciendum est quod Guscant Rex filius Cinvin dedit Janapeio (it should*

be Lunapeis) Episcopo & Sanctis Dubricio & Teliaro & Ecclesie Landavia:—podum Louden cum tribus unciiis agri & cum sua tota libertate. Mon. Angl. Tom. 3. p. 198. It was the quantity of 12 modii, and each modius possibly 100 foot square.—Intiendum est nobis quod Catuath—agrum trium modiorum id est quartam partem uncie agri immulavit Deo, &c. Ib. p. 205. *Ulnage*. See *Alnage*.

Uncoze pith. Is a Plei for the Defendant, being sued for a Debt due at a day past, to give the forfeiture of his Bond, saying, That he tendred the Debt at the time and place, and that there was none to receive, and that he is still ready to pay the same, 7 E. 6. 6. 83. Dyer. See *Unques Priit*. See also *Perkins*, sect. 783, 784. and *Co. lib. 9. fol. 79. Peytor's Case*.

Uncuth, Is a Saxon word signifying as much as *Incognitus*, unknown, and is used in the old Saxon Laws for him that cometh to an Inn Guest-wise, and lies but one Night. In such case his Host was not bound to answer for any Offence that he committed, whereof he was guiltless himself; but if he lay there a second Night, then he was called *Guest*, *Hofses*, and then must the Host answer for him, as for one of his own Family. And if he tarried any longer, then he was called *Agenehine*, that is, *Familiaris*, whom if he offend against the King's Peace, his Host was to see him forth coming; or if he could not bring him out within a Month and a Day, he must satisfy for his Offences, *Lamb. Archaion*, fol. 133. num. 7. And *Bracton*, lib. 3. cap. 10. num. 2. writes thus of the same, *Item secundum antiquam consuetudinem dici poterit de familia alienius qui Hofses fuerit cum alio per tres noctes; quia prima nocte poterit dici Uncuth; secunda vero, Gueß, tertiano nocte Agenehine*. See *Third-night-awne-hine*.

Unde nihil habet, Is a Writ, concerning which, see *Dare unde nihil habet*.

Under-Chamberlain of the Exchequer, Is an Officer there that cleaves the Tallies, written by the Clerk of the Tallies, and reads the same, that the Clerk of the Pell, and the Comptrollers thereof, may see their Entries be true. He also makes Searches for all Records in the Treasury, and hath the Custody of this *Doomsday Book*. There be two Officers there of this Name.

Under Escheator, *Subescheator*, Anno 5 Ed. 3. cap. 4. See *Escheator*.

Under-Sheriff, *Sub vicecomes*. See *Sheriff*.

Underlifter, Is an Inmate. See *Inmate*.

Undertakers, Were such as the King's Purveyors employed as their Deputies, Anno 2 & 3 Ph. & Mar. cap. 6. And such as undertake any great Work, as draining of Fens, &c. Anno 43 Eliz. cap. 11. See 12 Car. 2. cap. 24. 13 Car. 2. cap. 8. 14 Car. 2. cap. 20.

Under-Treasurer of England, *Vice-theaurarius Anglia*, Anno 39 Eliz. 7. This Officer, as some think, was first created in the time of Henry the Seventh, to Chest up the King's Treasure at the end of every Term, and to note the content of Money in each Chest, and to see it carried into the King's Treasury in the Tower, for the ease of the Lord Treasurer, as being a thing too mean for him to be troubled with, and yet fit to be performed by a Man of great Secrecy and Trust. He, in the vacancy of the Lord Treasurer's Office, doth all things in the Receipt, &c. But this Officer, in the Opinion of others, is far more ancient. Yet named *Treasurer of the Exchequer* in the Statute till Queen Elizabeth's time, where he is termed *Under-Treasurer of England*. Yet Anno 35 Eliz. he is also written *Treasurer of the Exchequer*: Read the Statutes 8 E. 3. stat. 2. cap. 17. 27 E. 3. stat. 2. cap. 18. 1 Rich. 2. cap. 5. 4 H. 4. cap. 18. 8 H. 6. cap. 17. 27 H. 8. cap. 11.

Unders, Minors, or Persons under Age. Ante etatem 21 annorum robusti vel habiles ad arma suscipienda pro patria defensione non reputantur, & ideo Undres dicuntur, & sub tutela Dominorum interim remanebant. Fleta, lib. 1. cap. 9.

Angeld, A Person so far out of the protection of the Law, that if he were murdered no Geld or Fine should be paid, or composition made by him that kill'd him. As in the League between E. Ethelred and Aelun, cap. 2. Si frithman, i. e. homo pacis fringat vel repugnet, & se nolit iudicari, si occidatur jaceat ungeld, i. e. insolutus.

Uniformity, *Uniformitas*, One form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies of the Church of England, to which all must submit; prescribed by the Statutes, 1 Eliz. cap. 2. & 14 Car. 2. cap. 4.

Union, *Unio*, Is a combining or consolidating of two Churches into one, which is done by the consent of the Bishop, the Patron, and the Incumbent: But there are two other sorts of it, as when one Church is made subject to the other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the Chapter *Licet de Locato & conducto*, in *Linwood's Provincials*, sect. & quia. In the first signification by the Statute 37 H. 8. cap. 21. It was made lawful to make an union, or consolidation of two Churches in one, whereof the one is not above six pounds in the King's Book of the First-Fruits, and not above one mile distant from the other. And by another Statute made 17 Car. 2. cap. 3. It shall be lawful for the Bishop of the Diocess, Mayor, Bayliff, &c. of any City or Corporate Town, and the Patron or Patrons to unite two Churches or Chappels in any such City, Town, or the Liberties thereof: Provided such union shall not be good, if the Churches so united exceed the sum of one hundred pounds per annum, unless the Parishioners desire otherwise, &c.

Unity of Possession, *Unitas possessionis*, Is called *Consolidatio fructus & proprietatis* in the Civil Law, and signifies Joynt Possession of two Rights by several Titles. As for example, If I take a Lease of Land from One upon a certain Rent, and afterwards I buy the Fee-simple; this is an unity of Possession, by which the Lease is extinguished, by reason that I, which before had the Occupation only for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

University, *Universitas*, Is most usually taken for those two Bodies which are the Nurles of Learning and Liberal Sciences in this Kingdom, viz. *Oxford* and *Cambridge*, endowed with great Priviledges, as appears not only by Anno 2 & 3 P. & M. cap. 15. 13 Eliz. cap. 21. 18 Eliz. 6. but much more by their several Charters granted by divers Pious and Munificent Kings of this Land. See 14 Car. 2. cap. 4.

Unlage, A Saxon word denoting a wicked or unjust Law, in which sense the word is read in *Leg. Hen. 1. cap. 34. 84.*

Unlawful Assembly, *Illicita Congregatio*, Is the meeting of three or more Persons together, by force, to commit some unlawful Act, and abiding together, though not endeavouring the Execution of it, as to assault or beat any Person, to enter into his House or Land, &c. *West Symbol*, part 2. tit. *Indictment*, sect. 65. *Lamb. Eiren*, cap. 19. And by the Statute of 16 Car. 2. cap. 4. and 22 Car. 2. cap. 1. If five Persons, or more, shall be assembled together, above those of the Family, at any Conventicle or Meeting, under colour of any exercise of Religion, it is unlawful, and punishable by Fines, and otherwise, as in the said Statute is expressed.

& P. Etotife

Vociferatio, Out-cry, Hue and Cry.—*Qui furum plegatum dimiserit, qui ei obviaverit, & gratis sine vociferatione dimiserit, &c.* Leg. Hen. 1. cap. 12.

Voir dire, Veritatem dicere, When it is pray'd upon a Trial at Law, that a Witness may be sworn upon a *voir dire*; the meaning is, he shall upon his Oath speak or declare the truth, whether he shall get or lose by the matter in controversy; and if he be unconcern'd, his testimony is allow'd, otherwise not.

Votum, A Vault.—*Linfrancus Archiepiscopus reparavit Ecclesiam, in qua Sanctorum Episcoporum corpora in aquilonari parte super voltum magnum & pulcherrimum imposuit reuerenter.*—*Officium de vita Breguini apud Angl. Sacr. P. 2. p. 77.*

Vinques proli, Always ready, Is a Plea whereby a Man professeth himself always ready to do or perform that which the Demandant requires. For example, A Woman sues the Tenant for her Dower, and he coming in at the Day, offers to aver, That he was always ready, and still is to perform it. In this case, except the Demandant will aver the contrary, he shall recover no Damages: When this Plea will serve to avoid Charges, and when not, see *Kitchin, fol. 243. See Vncore proli.*

Vocance, Vacatis, Is a want of an Incumbent upon a Benefice, and this is double, either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually deprived, *Bro. tit. Quare Impedit, num. 51.*

Volumus, Is the first word of a Clause in the King's Writs of Protection and Letters Patent, *Anno 1 Rich. 2. cap. 8, and 13 Rich. 2. cap. 15.* Of Protections, some are *Cum clausula volumus*, and of these there are four kinds, viz. 1. *Quia Profecturus* 2. *Quia Moraturus* 3. *Quia indebitatus nobis existit* 4. When any one sent into the King's Service beyond Sea in War, is imprisoned, *Co. on Lit. sect. 159.*

Volunt, Voluntas, Is, when the Tenant holds at the will of the Lessor, or Lord, and that is in two manners; one is, when I make a Lease to a Man of Lands, to hold at my will, then I may put him out at my pleasure, but if he sow the Ground, and I put him out, then he shall have his Corn with egress and regress till it be ripe to cut, and carry it out of the Ground. And such Tenant at will is not bound to sustain and repair the House as Tenant for years is. But if he make wilful waste, the Lessor shall have against him an Action of Trespass. The other Tenant at will of the Lord is, by Copy of Court-Roll, according to the Custom of the Manor; and such a Tenant may surrender the Land into the hands of the Lord, according to the Custom, to the use of another for life, in fee, or in tail; and then he shall take the Land of the Lord, or his Steward, by Copy, and shall make Fine to the Lord.

Voucher, Vocans, Is *vocabulum artis*, and signifies when the Tenant calls another into the Court, that is bound to him to warranty, *New Book of Entries, verbo. Voucher; Voucher de Garranty, Brit. cap. 75.* And that is either to defend the Right against the Demandant, or to yield him other Lands, &c. in value, and extend to Lands or Tenements of Freehold or Inheritance: He that *voucheth* is called *Voucher*, (*vocans*) and he that is called *Vouchee*, (*Warrantus*). *Bracton* writes of this at large, *lib. 5. tra. 4. per ipsum*. And *Littleton* in his Tenures, *cap. ult. alio E. N. B. fol. 124.* And this seems in some measure to agree to the contract in the Civil Law, whereby the Vendee bindeth the Vendor, sometimes in the simple value of the things bought, sometime in the double, to warrant the secure enjoying the thing bought; yet there is this difference between the Civil and the Common Law, that the Civil Law binds every Man to warrant

the security of that which he selleth, which the Common Law doth not, except it be specially covenanted. The Process whereby the *Vouchee* is called, is a *Summons ad warrantandum*. And if the Sheriff return upon that Writ, that the Party hath nothing whereby he may be summoned, then goes out another Writ called *Sequatur sub suo periculo*. See *Lamb. Exple. of Saxon words, verbo. Advocare*. A Recovery with a single *Voucher*, is, when there is but one *Voucher*: And with a double *Voucher*, is, when the *Vouchee* voucheth over, and to a treble *voucher*. There is also a Foreign *voucher*, when the Tenant being impleaded in a particular Jurisdiction, as in London, or the like; voucheth one to warranty, and prays, that he may be summoned in some other County, out of the Jurisdiction of that Court, which might more aptly be called a *Voucher* of a Foreigner. *De fideiussis vocatis ad warrantandum, Co. on Lit. fol. 101. alio Co. Rep. 2. fol. 50.* Sir Hugh Cholmely's Case. *Voucher* is also used in the Statute 19 Car. 2. cap. 1. for a Leiger-Book, or Book of Account, wherein are entred the Acquittances or Warrants for the Accountants Discharge.

Upland, Uplanda, High ground, or as some call it *Terra firma*, contrary to Moorish, Marsh or Low Ground, — *Duramq; terram novem miliaris per aquam, de uplanda, id est de superiori terra, scapulis deserti & paludibus commisceri jussit*, Ingulph. Hist. Croyland.

Usage, See *Prescription*.

Use, Usus, In the Original signification is evident enough, but it hath also a proper Application in Law, and that is the profit or benefit of Lands or Tenements, *West Symbol. lib. 1. sect. 48, 49, 50, 51, 52.* Every Deed consists of two principal parts, namely, the *Premises*, and the *Consequents*; the *Premises* is the former part thereof, being all that which precedeth the *Habendum* or Limitation of the Estate, which are the persons contracting, and the things contracted. The *Consequent* is that which follows the *Premises*, and that is the *Habendum*, in which are two Limitations: The one of the Estate or Property, which the Party passive shall receive by the Deed: The other of the Use, which is to express in the said *Habendum* to or for what use and benefit he shall have the same Estate, and of the limitation of such uses, many Presidents are set down: In the same *West Symbol. part 1. lib. 2. sect. 208. & 327.* These uses were invented upon the Statute of *Westm. 3. Quia emptores terrarum*, before which Statute no such uses were known, *Parkins's Devise* 528. And because in time many Deceits were invented, by settling the Possession in one Man, and the use in another; to avoid which, and divers other Mischiefs and Inconveniences, was the Statute 27 H. 8. cap. 10. provided, which unites the Use and Possession together. See *Co. lib. 3. Chudley's Case, fol. 121.*

Uter de Action, Is the pursuing or bringing an Action, which in what Place and County it ought to be, see *Bro. tit. Lieu & County, fol. 64.*

Utr, Ostiarius, From the French *Huissier*, A Door-keeper of a Court; Is an Officer in the Exchequer, of which sort there are four that attend the chief Officers and Barons at the Court at Westminster, and Juries, Sheriffs, and all other Accountants, at the pleasure of the Court. There are also *Uters* in the King's House, as of the Privy-Chamber, &c. See *Black-Rod*.

Ulla, In Privilegio de Sempringham—*sint quieti tam ipsi quam homines eorum, &c. de omnibus misericordiis & amerciamenis & satisfactionibus, &c. & de murdro, & latrocinio, & concubis & Ulla & Hamfoka, Gritthbrech, &c.* In *Kelway's Reports* it is written *Outlarb*.

Ufucaption, Ufucapio, The enjoying a thing by continuance of time, or receiving the Profits, long Possession or Prescription.

Ufucuary, Ufufuctuarius, One that hath the use, and reaps the profit of any thing.

Ufury, Ufura, Is the gain of any thing above the Principal, or that which was lent, exacted only in consideration of the Loan, be it as well Corn, Apparel, Wares, or such like, as Money. And it is derived *ab usu & are, quasi usu ara, id est usus ara, & Ufura est commodum certum quod propter usum rei mutua accipitur*, Co. 5. Rep. Payton's Case. The Statute 13 Eliz. cap. 8. alloweth not Ufury, but punisheth the excess of it. And that of 21 Jac. cap. 17. expressly Ordains, That no word in that Law shall be construed and expounded to allow the practice of Ufury in point of Religion or Conscience. And by the Statute 12 Car. 2. cap. 13. No Man must take above six pound for the forbearance of one hundred pounds for a year, under the penalties therein contained. See Co. 3. Inst. fol. 151. By the Stat. 3 & 11 H. 7. It is called Dry Exchange.

Utas, Octava, Is the eighth day following any Term or Feast, as the *Utas of St. Michael*, the *Utas of St. Hillary*, the *Utas of St. John Baptist*, &c. As you may read 51 Hen. 3. concerning general days in the Bench; and any day between the Feast and the *Octave*, is said to be within the *Utas*. The use of this is in the return of Writs, as appears by that Statute. At the *Utas of the Holy Trinity*, Preamble to the Statute 43 E. 3.

Utensil, Utensile, Any thing necessary for our Use and Occupation; Household-stuff.

Utsangtheif, That is, Fur extra captus, scilicet, extra Dominium vel jurisdictionem, Is an ancient Privilege or Royalty granted to a Lord of a Mannor, by the King, which gives him power to punish a Thief dwelling out of his Liberty, and committing Theft without the same, if he be taken within his Fee, *Bracton, lib. 2. tract. 2. cap. 35.* says thus, *Utsangtheif dicitur extraneus latro, veniens aliunde, de terra aliena & qui captus fuit in terra ipsius qui tales habet libertates.* See *Utsangtheif*.

Utibannum, There is a Charter of *Maud de Pomerey*, granting to the Church of *Plimpton in Com. Devon* three serlings in the Mannor of *Wodeford* for four shillings per ann. on this condition.—*Quod si mudrum vel Danegeldus vel quodlibet aliud Utibannum super manerio de Wodeford evenierit de istis quatuor solidis, quicquid de utibannis super predictis iv. serlingus evenierit acquietabitur.* Ex Registro de *Plimpton*, MS. penes Rev. Patrem D. D. Joh. Episc. Norwic.

Utlagh, Uthlagus, An Outlaw, signifies Bannitum extra legem, *Fleta, lib. 1. cap. 47.* And in *Mon. Ang. 2. par. fol. 618.* we read, *Fuit quidam Uthlagus famosissimus partes illas frequentans propter iter comineantium inter Nottingham & Derby per forestam.* See *Outlaw*.

Utlagatto, An Outlawry. *Rex omnibus & Sciatis quod Interdictum quod vulgariter Utlagatio nuncupatur, quod proponi fecimus contra personas Ecclesiasticas publice revocavimus, protestantes id ad Nos de personis Ecclesiasticis minime pertinere.*—Pat. 15: Joh. p. 2. m. 8. intus.

Utlagato capiendo quando utlagatur in uno comitatu a postea fugit in alium, Is a Writ, the nature whereof is sufficiently exprest by the name. See *Reg. Orig. fol. 133.*

Utlano, Terra extra dicebatur terra servilis seu tenementalis, quod de prociis terrarum Dominicalium quae Inland nuncupata sunt, in exteriorem agrum rejiciebantur. Vide Inland.

Utlarior Utlarior, Utlagaria vel utlagatio, Is a

punishment for such as being called into Law, and lawfully sought, do contemptuously refuse to appear; after an *Original Writ* with a *Nihil habet*, three Writs of *Capias*, *Alias & Pluries*, returned by the Sheriff *Non est inventus*, and an *Exigent* with a *Proclamation* thereupon awarded. And *Bracton* says, He must be called at five Counties, a Month between every County, *lib. 3. tract. 2. cap. 11.* And if he appear not within that time *pro exlege tenebitur, cum Principi non obediat nec legi & extime utlagabitur*; that is, he shall be pronounced out of the King's Protection, and deprived of the benefit of the Law. The effect of this is divers; for if he be Outlawed at the Suit of another in a Civil Cause, he shall forfeit all his Goods and Chattels to the King; If upon Felony, then he shall forfeit all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels; *Et tunc gerit caput lupinum, ita quod sine judiciali inquisitione vite pereat & secum suum judicium portet, & merito sine lege pereat, qui secundum legem vivere recusaverit, &c.* *Bract. lib. 3. tract. 2. cap. 11.* And the same *lib. 2. tract. 2. cap. 14.* And *Fleta, lib. 1. cap. 27, 28.* say, A Minor or Woman cannot be Outlawed: For where a Man is said to be Outlawed, a Woman is termed waived, *F. N. B. fol. 161.* How an Outlaw is inlawed again, and restored to the King's Peace and Protection. See *Bracton*, and *Fleta, ubi supra.*

Utlepe, Significat escapum, hoc est, evasionem latronum, *Fleta, lib. 1. cap. 47.* and 18 Hen. 6. Pat. 2. m. 22.

Utrum. See *Affise*.

Utter-Barristers, Juris consulti, Are such, who for their long study, and great industry bestowed upon the Knowledge of the Common Law, be called from their Contemplation to Practice, and in the face of the World, to take upon them the Protection and Defence of Clients; These in other Countries are called *Licentiatii in jure*. The time before any one ought to be called to the Bar by the ancient Orders, was heretofore eight years, now reduced to seven, and the Exercises done by him (if he were not called *Ex gratia*) was twelve *Grand Moats* performed in the Inns of Chuncery in the time of the Grand Readings, and twenty four *petty Moats* at the Inns of Chancery in the Term-times, before the Readers of the respective Inns of Chancery. A Barrister newly called is to attend the six next long Vacations the Exercise of the House, *viz.* in *Lent* and *Summer*, and is therefore for those three years called a *Vacation Barrister*. And they are called *Utter Barristers*, i. Pleaders without the Bar, to distinguish them from Benchers, or those who have been Readers, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

W.

W Addemole, now call'd Woddmell, and in Oxfordshire Woddenell, a course sort of stuff used for the covering of the Collars of Cart-Horses. Mr. Ray in his *Collection of East and South Country words*, describes it to be a hairy course stuff, made of Island Wooll, and brought thence by our Sea-men to Norfolk, Suffolk, &c.—*Et in quinq. virgatis de Waddemle emptis pro ceteris equinis hic anno 11 fol. 1 den.*—Paroch. Antiquit. p. 574.

Wataitors, Wastores. Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom

the Patent, 22 E. 4. membr. 2. *Stiles Custodes, Conduktores and Wastores*; and these were chiefly to guard our Fisher-men on the Coast of Norfolk and Suffolk. We still retain the word to *wast* over, that is, to conduct or convey over Sea.

Wetaga alias *Waga*, A *weigh*, which is a measure of Cheese, Wooll, &c. containing two hundred fifty six pound of *Averdupois*: For by the Statute 9 H. 6. cap. 8. a *weigh* of Cheese ought to contain thirty two Cloves, and each Clove eight pound, though some say but seven; *Unam wagam salis de salinis suis de Terinton*, Mon. Aug. 1. par. fol. 515. See *Weigh*.

Wage, *Vadiare*, From the French *Gager*, *dare pignus*; Signifies the giving Security for the performance of any thing; as to *wage Deliverance*, which see in *Gage*, to *wage Law*. See in *Law*. None *wages Law* against the King, *Bis. Chise in Alston*, num. 9. See *Co. on Lit. fol. 294. tit. Ley-gager*.

Wager of Law. See *Law*.

Waive or *Waiste*, *Waivium*, Goods *waived* are such as a Thief having feloniously stolen, and being newly followed with Hue-and-Cry, or else over-charged with the burden or trouble of the Goods, for his own Ease, and more speedy Flight, flies away, and leaves the Goods behind him; then the King's Officer, or the Bayliff of the Lord of the Mannor (within whose Jurisdiction they be left) who by Prescription, or Grant from the King, hath the Franchise of *waife*, may seize the Goods so *waived* to his Lord's use, except the Owner come with fresh Suit after the Felon, and sue an Appeal within a year and a day, or give Evidence against him at his Arraignment, and he be Attainted, &c. In which cases the first Owner shall have restitution of his Goods so stolen and *waived*. And though *waife* is properly spoken of Goods stolen, yet it may be also of Goods not stolen: As if a Man be pursued with Hue-and-Cry as a Felon, and he flies, and leaves his own Goods; these shall be forfeit as Goods stolen, and are properly called *Fugitives Goods*, which are not forfeited, till it be found before the Coroner, or otherwise of Record, that he fled for Felony. A thing *pro derelicto habita*, *waived* and forsaken is *nullius in bonis*. See 29 E. 3. *Waifes*, things lost and Estrays, must by the Lord of the Franchise where they are found, be caused to be cried and published in Markets and Churches near about, else the year and day does not run to the prejudice of the Loser, *Britton*, cap. 17. And further, *Inter Plac. coram Joh. de Berewell & sociis suis Justic. Itin. apud Salop. in Octab. Sancti Michaelis*, 20 E. 1. Rot. 29. in Dorlo. *Richardus filius Alani comes Arundell summarius fuit ad respondend. Domino Regi de placito quo warranto clamat habere placita Corone & habere Waife de Manerio suo de Upton subius Hawman*, &c. in Com. Salop. &c. comes dicit quod ipse clamat habere *Infangenethel* & *Waife*, & eadem placita & libertates habuerunt ipse & omnes antecessores sui & eisdem usi sunt a tempore, quo non extat memoria & ex warranto clamat, &c. Et Hugo de Lowther qui sequitur pro Domino Rege dicit, quod *Waife* est quoddam grassum de Corona, ita Corona Domini Regis annexum quod nullus eo gaudere possit, nisi inde habeat speciale warrantum a Domino Rege vel antecessoribus suis concessum.

Watable, That may be ploughed or manured, tillable, — *Dedimus*, &c. in loco qui vocatur Shipplade la Moirey & la terre wainable & la Briere, &c. Carta Rogeri de scales sine dat.

Wainage, *Wainagium*, May be derived from the Saxon *Wan*, id est, *Plastrum*. And any others *Ull* gain than ours shall be amerced saving his *Wainage*, if he fall into our *Wrec*. Mag. Cart. cap. 14. Sir Edward Coke, 2 par. Inst. fol. 28. says, It signifies the countenance of a Villain; but why not rather the

furniture of his Cart or Waine. See *Gainage* and *Wainage*.

Waitefret, Tho. Spelman filius Johannis, &c. dicitur tenuisse Manerium de Narborough, cum tertia parte advocacionis Ecclesie, &c. de Domina Regina ut de Manerio suo de Wingrave per servitium militare & per redditum 14 s. pro *waitefret* & *Custlegarde* & valet clare per annum 34 li. 17 s. 10 d. quadrant. Patet in *Schedula liberationis Joh. Spelman fratris sui*, 7 Aug. 5 Eliz. This might probably be a Fee to excuse his waiting at the Castle.

Waive, *Waivare*, Is to forsake, *Reg. Orig.* 277. The *Civilians* term it *Habere proderelicto*, and so *Waivare* *seidum suum* signifies. To *waive* the Company of Thieves, *Stans. Pl. Cor. fol. 28*. But this word properly belongs to a Woman, who is said to be *waived*, as a Man to be *Outlawed*, *Reg. Orig. fol. 132*. Many of the Kings Liege People Outlawed, and many *Waived* by erroneous Process, Anno 7 H. 4. cap. 13. See *Utlary*.

Waive, *Vigil*, Eve-Feast of the Dedication of Churches. See the Original and continued Observation of them historically delivered, in *Kennett's Paroch. Antiquit.* p. 609.

Waite, A Wood, or wild Woody Ground. — *Sexaginta acras terre, videlicet, quinquaginta acras & unam perticum in manerio nostro de Suthbrente, cum Walda que jacet juxta eandem terram*. — *Chartular. Abbat. Glaston. MS. f. 67. a*.

Waliscus, A Servant, or any Ministerial Officer; from Sax. *wealh*, a Foreigner or Stranger. — *Si homo Waliscus habeat terra hidam, wera sua est 120 fol.* — *Leg. Ins. Regis*, cap. 34. — *Regis equi Waliscus, qui nuntiare possit ad eum, weregildum ejus est 200 fol. ib. cap. 35*.

Watchman, The chief Magistrate of the Town of Rippon in York-shire so called, *quasi Watchman*, *Camd. Brit.*

Wald, *Walda*. See *Weald*.

Wailes, *Wallia*, Is a part of England on the West-side, inhabited by the Off-spring of the ancient Britains, chased thither by the Saxons, called in to assist them against the *Picts* and *Scots*: But now they are incorporated to England, see *Lamb. Explication of Saxon words*, verb. *Wallus*.

Walkers, Are such as are otherwise called *Foresters*, *Crompt. Jur. fol. 145*. There are *Foresters* assigned by the King, who are *Walkers* within a certain space of Ground assigned to their Care.

Walbaria mulieris, Is as much as *Utlagatio viri*, *Reg. Orig. fol. 132*.

Wall or *Sea-wall*. See *Water-gage*.

Walletheria or *Walecheria*, — *Quod quatuor villate propinquiores loco ubi casus Homicidii vel infortunium contigerit, veniant ad proximum Comitatum una cum inventore & Walletheria*, i. *Parentela hominis interfecit & ibidem presentem factum felonis & casum infortunii*, &c. I find (saith Spelman) in a certain Note, A *Walletheria*, i. *Parentela interfecit*, scil. *unus ex parte patris & alius ex parte matris*, and concludes that signifies *wallica pars ut videtur*.

Walla, *Wallia*, Sax. *Wal*, Lat. *Vallum*. A Bank of Earth cast up for a Mound or Boundary. — *Mundo vobis quatenus — justitieri meos homines — ut faciant Wallas & Watergangs & clausuras Wallarum, sicut debent facere*. — *Mon. Angl. Tom. 2. p. 920*. *Sea-Walls* in Romney-Marsh, &c. *Wallare*, to repair or keep up the said Walls. — *Reddendo inde nobis 2 marcas argenti — pro omni servitio nisi quod debet Wallare secundum quantitatem illius terre intus & extra*. — Somner of Gavelkind, p. 181.

Walang, Properly signifies in the Saxon Tongue a Field,

Field, but we use it also for the Cheek or Jaw-teeth, which Chaucer calls *Wangs* and *Wang-teeth*, according to these Verses,

And in witness that this is tooth,
I bite the wax with my wang tooth.

W*langa*, An Iron Instrument with Teeth, from Sax. *wang*, the Jaws. — *Idem* computat in curtilagio fodiendo xiiij den. in bechis, tribulis, & wangis emptis & reparandis iij sol. ij den. — *Consuetud. Domus de Farendon*, MS. f. 18.

W*elanassus*, in the Mannor of Sutton-Colfield Com. Warwic. — qui tennerunt in bondagii tenura solebant vocari *Custumarii*, & quoties cunq; Dominus ad veniendum venerit, illi *Custumarii* solebant fugare *Wanlassum* ad *Stabulum* in fugatione ferarum bestiarum, i. e. To drive the Deer to a Stand, that the Lord may have a shoot. *Bount of Tenures*, p. 140.

W*alangenethof*. — *Sit quietum de Gelth & Scoth, de wrecho, & de Walangenethof & Denegelde*, Pat. 22 H. 4. par. 1. m. 33.

W*annage*, *Wannagium*, Eodem anno (viz. 1198.) Rex Anglia a cepit de unaquaq; carucata terre sine *Hyda* totius Anglia, s. fol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Anglia, unum *Cleivicum* & etiam unum *Militem*, &c. Qui fecerunt venire coram se *Senescallos* Baronum illius Comitatus, qui juraverunt quod carucarium *wannagia* fuerint in singulis *Villis*, &c. Ipsi vero qui electi fuerant, & constituti ad hoc negotium Regis faciendum, statuerant per estimationem legalium hominum ad uniuscuiusq; Caruce *wannagium* centum acras terre, *Hoveden's Annal.* part. poster. fol. 443. num. 30. See *Wainage*. *Wannagium* sometimes seems to signify *Wain-houses*, or necessary *Out-houses* for Husbandry.

W*apentake*, *Wapentachium*, Is all one with that we call a *Hundred*, as appears by *Bracton*, lib. 3. tract. 2. cap. 1. num. 1. *Convocentur* (saith he) *servientes & Ballivi Hundredorum*, & per ordinem irrotulentur *Hundredarii* sive *wapentachia* & nomina *servientium*, &c. And *Lambert* in his *Explication* of *Saxon words*, verb. *Centuria*; Is of the same mind, adding that this word is specially used in the North Countries beyond the River *Trent*. And in the Laws of King *Edward the Confessor*, are these words, *Et quod Angli vocant Hundredum, supradicti comitatus vocant wapentachium*. The original of the Name *Hoveden* derives à *tasu armorum*, because cum quis accipiebat *profecturam wapentachii*, die *Statuto* in loco ubi consueverant *Congregari*, omnes *maiores* contra eum conveniebant & descendente de equo suo, omnes assurgebant ei. Ipse vero, erecta lancea sua, ab omnibus secundum morem *sacris* accipiebat: Omnes enim quotquot venissent cum lanceis suis ipsius hastam tangebant, & ita confirmabant per contactum armorum pace palam concessa, &c. But we take it from hence, *Quod quoties novus esset Hundredi Dominus ei in subjectionis signum arma redderent Vassalli*, *Ranulph. Cestri.* lib. 1. cap. 5. See *Fleta*, lib. 2. cap. 61. sect. *universimode*. *Sir Thomas Smith de Rep. Anglor.* lib. 2. cap. 164 says, That anciently *Musters* were taken of the *Armor* and *Weapons* of the several *Inhabitants* of every several *Wapentake*, and from those that could not find sufficient *Pledges* for their good abearing, their weapons were taken away, and given to others. The *Statutes* 3 H. 5. cap. 2. 9 H. 6. cap. 10. and 15 H. 6. cap. 7. make mention of *Staindiffe wapentake* and *Friendless wapentake* in *Craven*, in the County of *York*. See *Camd. Brit.* fol. 159. and *Co. 2. par. Inst.* fol. 99. *Wapentake* hoc est *quietancia de sellis & Hundredis*

quod dicitur wapentake, MS. in *Biblioth. Cotton.* sub tit. *Vitellius*. See *Kemert's Glossary*.

W*alara*, A certain quantity or measure of ground. — *Prateya concedimus in elemosynam eidem Ecclesie eadem libertate totam terram quam tenebat Brisford in Stanes, scilicet waram & dimidiam cum cotlandis & insuper medietatem totius nemoris* — ad opus Ecclesie vendiderunt scilicet unam waram & duas cotelandas cum domino & prato — *Mon. Angl.* Tom. 2. p. 128.

W*alara libera*. — *Libera wara est unus redditus, & talis conditionis, quod si non solvatur suo tempore, duplicatur in crassino, & sic deinceps in dies.* — *Tabularium Abbatis S. Petri de Bargo*, MS.

W*alars*, *City Wards*. The Districts or Divisions of a City; as in *London* there be 25 *Wards*, according to the number of the Mayor and Aldermen, of which each has a particular *Ward* for his proper Guard and Jurisdiction.

W*ardicorn*, The Duty of keeping *Watch* and *Ward* with a Horn to blow, upon any occasion of surprize. — *Et sint quieti de thesauro ducendo & Ward-penny, Ward-corn, Awer-penny, Hundred-penny, &c.* *Mon. Angl.* Tom. 1. p. 976.

W*ard*, *Custodia*, Hath divers significations, as a *Wayd* in *London*, in Latin *Warda*, which is a portion of the City, committed to the special charge of one of the Aldermen of the City. See *Stow's Survey of London*: Also a *Forest* is divided into *Wards*, *Manwood*, part 1. pag. 97. Thirdly, A *Prison* is also called a *Ward*. Lastly, The *Heir* of the King's Tenant, that held by *Knights-service* or in *Capite*, was called a *Ward* during his *Nonage*, 32 H. 8. 46. But this last is taken away by the Stat. 12 Car. 2. cap. 24.

W*ards and Liveries*, *Wardi & Liberature*, Was a Court first erected by King *Henry the Eighth*, and afterwards augmented by him with the Office of *Liveries*, and therefore stiled *The Court of Wards and Liveries*; But it is absolutely taken away and abolished by the Statute made Anno 12 Car. 2. cap. 24.

W*arden*, *Gardianus*, Is the same with the French *Gardein*, and signifies him that hath the keeping or charge of any Person, or thing by Office; as *Wardens* of the Societies in *London*, 14 H. 8. cap. 2. *Wardens Courts*, 31 H. 6. cap. 3. *Warden of the Marshes*, 4 H. 7. cap. 8. *Warden's and Commonalty of the Lands contributory to Rochester Bridge*, 18 Eliz. 7. *Warden of Peace*, 2 E. 3. 3. *Stat. Northampton*. *Warden of the West Marshes*, *Camd. Brit.* pag. 606. *Warden of the Forest*, *Manwood*, part 1. pag. 42. & 111. *Warden of the Alnage*, 18 H. 6. 16. *Warden of the King's Ward-robe*, 51 H. 3. stat. 5. *Wardens of the Tables of the King's Exchange*, 9 E. 3. stat. 2. cap. 7. & 9 H. 5. stat. 2. cap. 4. *Wardens of the Rolls in the Chancery*, 1 E. 4. cap. 1. 5. *Warden or Clerk of the Hanaper in Chancery*, *Ibid.* *Warden of the King's Writs and Records of his Common Bench*, *Ibid.* *Warden of the King's Armor in the Tower*, 1 E. 4. 1. *Warden of the House of the Converts*, 12 Car. 2. cap. 30. And *Warden of the Stannaries*, 14 Car. 2. cap. 3. See *Gardian*.

W*ardmore*, *Wardmorus*, Is a Court kept in every *Ward* in *London*, 32 H. 8. 17. ordinarily called among them, *The Wardmore-Court* or *Inquest*. See 4 *Inst.* fol. 249.

W*ardpenny* alias *Warpenn*, and *Wartthpenny*, Is Money contributed to *Watch* and *Ward*; *Denarii vicecomiti vel alius castellanis persoluti ob castorum presidium vel excubias agendas*. And in a *Charter* of *William the Conqueror* to the Church of *St. Martine* in *Bartell*, we find these words, *Concedo etiam eidem Ecclesie leugam circumquaq; adjacentem liberam & quietam ab omni Geldo, & Sello, & Hydragio, & Danegeld*, do,

do, & opere Pontium, & Castellorum, & Parcorum, & omnibus auxiliis, placitis & querelis, &c. cum Saca & Soca & Tol & Theam, & Infangtheof & Ward-penny, &c.

Wardage, Wargum, It seems to be the same with the Ward-penny, which see.

Ward-silver, Custumarius in Berton magna reddit obolum ad Ward-silver ad terminum.—Cartular. Abbatie S. Edmundi, MS. f. 26. Willelmus le Kyng tenet 8 acres—soluit 1 den. ad Ward-silver die Sancti Petri ad vincula. lb.

Ward-staff, The Constable's or Watch-man's Staff. Lambourn Mannor in Essex is held by Service of the Ward-staff, viz. To carry a Load of Straw in a Cart with six Horses, two Ropes, two Men in Harness, to watch the said Ward-staff when it is brought to the Town of Aibridge. Camden in Essex.

Wardseoh or Wardsegh, Signified the value of a Ward, or the Money paid to the Lord for his Redemption from Wardship.

Wardwite. Significat quietantiam misericordie in casu quo non inveniunt, quis hominem ad wardam faciendam in castro vel alibi, Fleta, lib. 1. cap. 7. And Spelman says it is, Immunitas a præsidiis faciendis vel ab eorum contributione.

Wardlaunde, Johannes Prior & Conventus Ecclesie Christi Cantuar. confirmant cartam Ricardi Archiepiscopi Cant. concedentis. Willelmo de Astone & heredibus suis ut duodecim acres de Warlaunde cum pertin. apud Hakintone quas tenebant in Gavellend in futurum teneant pro redditu 11 sol. 11 den. Registr. Eccl. Christi Cant. MS.

Warranty. Warranty est securitas a venditore prestata emptori, quo tranquille aliquid possideat. Ea; a significatione warrantizare dicitur warrantus, sive venditor quando se empto obligat per acta Curie, aut chartam, aut contractus instrumentum, Vossius de vitiis Sermonis, lib. 2. cap. 20. It is a Promise or Covenant by Deed made by the Bargainer, for himself and his Heirs, to warrant or secure the Bargainee and his Heirs against all Men, for the enjoying any thing agreed on between them. And he that makes this warranty is called warrantus, by Bracton, lib. 2. cap. 19. and 37. And this warranty passeth from the Seller to the Buyer, from the Feoffor to the Feoffee, from him that releaseth, to him that is released from an Action real, and such like: And the form of it is in this manner, Et ego prefatus J. & heredes mei præsidiis decem acres terra cum pertinentiis suis, prefato H. heredibus & assignatis suis contra omnes gentes warrantizabimus in perpetuum per presentem, West Symbol. part 1. lib. 3. tit. Feoffments, sect. 287, 288. See Glanville, lib. 3. per totum. Bracton, lib. 5. tract. 4. Britton, cap. 105. and Co. 4. Rep. fol. 81. Notes Case. Warranty is either real or personal; Real, when it is annexed to Lands or Tenements granted for life, &c. And this is either in Deed, as by the word warrantizo expresse; or in Law, as by the word Dedi, or some other amplification: Personal, which either respects the property of the thing sold, or the quality of it. Real warranty in respect of the Estate, is either Lineal, Collateral, or commencing by Disjoins, for which see Littleton in the last Chapter of his Tenures, and Co. lib. 3. Fermor's Case, fol. 78. So then under the word Heredes are comprehended all such as the first warranters Lands afterwards come unto either by descent, or otherwise, Bracton, lib. 5. tract. 4. cap. 1. num. 2. laith, Imprimis videndum est quid sit warrantizatio; Et sciendum quod warrantizare, nihil aliud est quam defendere & acquietare tenentem, qui warrantum vocabit in seipsum sua. With whom agrees Fleta, lib. 5. cap. 15. sect. 1. & lib. 6. cap. 23. per totum. By what words

in a Feoffment a Feoffor shall be bound to warranty. See the Statute of Bigamy, 4 E. 1. cap. 6. and see Co. on Lit. fol. 365. and 383. There is also a Warranty of Attorney, whereby a Man appoints another to do something in his Name, and warranteth his Action; which seems to differ from a Letter of Attorney, which passeth usually under the Hand and Seal of him that makes it, before any credible Witnesses; whereas a Warranty of Attorney in personal, mixt, and some real Actions, is put in of course by the Attorneys for the Plaintiffs or Demandants, Tenants or Defendants. But a Warranty of Attorney to suffer a common Recovery by the Tenant or Vouchee, is acknowledged before such Persons as a Commission for the doing thereof directs, West Symb. 2. par. tit. Recoveries, sect. 1. See Attorney.

Warrantia Chartæ, Is a Writ that lies properly for him, who being infeoffed in Lands or Tenements, with a Clause of warranty, and is impleaded in an Assise or Writ of Entry, wherein he cannot vouch or call to warranty: For in this Case his Remedy is to take out this Writ against the Feoffor, or his Heirs, Reg. Orig. fol. 157. F. N. B. fol. 134. Fleta, lib. 6. cap. 35. and West Symbol. part 2. tit. Fines, sect. 156.

Warrantia diet, Is a Writ lying in case where a Man having a day assigned personally to appear in Court to any Action wherein he is sued, is in the mean time, by Commandment, employ'd in the King's Service, so that he cannot come at the day assigned. The Writ is directed to the Justices to this end, that they neither take nor Record him in default for that day, Reg. Orig. fol. 18. Of this read more, F. N. B. fol. 17. and Glanville, lib. 1. cap. 8.

Warrantia curiose, Is a Writ Judicial, and lay for him who was challenged to be a Ward to another, in respect of Land said to be holden in Knights-service, which when it was bought by the Ancestors of the Ward, was warranted to be free from such thralldom, and it lay against the Warranter and his Heirs, Reg. Judic. fol. 36. But now by the Statute made 12 Car. 2. cap. 24. it is become altogether out of use.

Warrant of Attorney. See Letter of Attorney and Warranty.

Warectum & terra wartata, Land that has been neglected, and long untill'd, fallow Ground: Tempus warecti in ancient Records signifies the time wherein Land lies fallow.—In warectis, in Brutiis, in Boscis, in Marjicis, in Desertis, & in omnibus terris, &c. Mon. Ang. 2 par. fol. 253. And in the same, par. 1. fol. 525. we read 25. Acres unoquoq; anno ad seminandum & totidem ad warectandum. See also Treenagium.

Wartcart, To fallow Ground, or plough up Land (design'd for Wheat) in the Spring, in order to let it lie fallow for the better Improvement; which in Kent is call'd Summer-land.—Mense Aprili warectandi erit tempus idoneum & amanum cum terra fregerit post carrucam. Fleta, lib. 2. cap. 33. Hence warectabilis campus, a fallow Field; Campus ad warectam Terra wartata, &c. See Mr. Kennet's Glossary in warectare.

Warnamentum, A Garment, a Suit of Cloaths.—Pro hac donatione concesserunt Abbon & Monachi Radinges mihi & facilia uxori mea corredia & warnamenta secundum quod in carta eorum continetur. Chartular. Radinges, MS. f. 63.

Warnistura, Garniture, Furniture, Provision.—Exceptis ab hac quinta decima libri & cramentis Ecclesiasticis—& exceptis bladis ad warnisturam castroreum emptis.—Pat. 9 H. 3. Brady Hist. Engl. Append. p. 169.

Warroks, Edmundus Busche tenet terras in Morton

Morton Com. Essex, per servitium in veniendi unum stimalum ferreum pro uno Warroks super quoddam Cloth-sak quandocunque D. Rex equitaverit in exercitu versus partes Wallia tempore guerra. 22 R. 2. Blount of Tenures, p. 32.

Warren, Warrenna alias Varrenna, Cometh of the French Garenne, i. Vivarium, vel locus in quo vel aves, vel pisces, vel fera continentur, qua ad vidium duntaxat pertinent, Calepine out of Aulus Gellius, lib. 2. Noct. Attic. cap. 20. But a Warren as we use it, is a Franchise or Place privileged, either by Prescription or Grant from the King, to keep Beasts and Fowl of Warren, which are Hares and Conies, Partridges and Pheasants: And if any Person be found an Offender in any such Fee-warren, he is punishable for the same at the Common Law, and by the Statute 21 Ed. 3. called the Statute De malefactoribus in parvis & chaceis, &c. A Fee-warren may lie open, for there is no necessity of inclosing the same as there is of a Park; which ought to be seized into the King's Hands, if it be not inclosed.

Warroth, Is an ancient Custom, whereby if any Tenant holding of the Castle of Dover, fail'd in paying his Rent at the day, he should forfeit double, and for the second failure treble, &c. Inter Record. de Recept. Scac. Trin. 33 E. 1. Linc. 46. coram Rege. And in Mon. Ang. 2. par. fol. 589. Terris cultis & terris de Warroth.

Warwicot, Was the Contribution wont to be made towards Armor in the Saxons time. Sint omnes tam primarii quam mediocres & minuti, immunes, liberi & quicquid ab omnibus Provincialibus, summonitionibus & popularibus placitis que Hundred-laghe Angli dicunt, & ab omnibus armorum oneribus quod Warwicot Angli dicunt & forinssecis querelis, Leg. Forest. Canuti Reg. num. 9.

Warwite. See Wardwite.

Warth, It seems to be the same with Ward and Ward-penny; a customary payment for some Castle-Guard, or for keeping Watch and Ward.—Tota villa de Lighthorn in Com. Warwic. est geldabilis & dat scutagium & Warth, & venit ad duos magnos turnos Vicecomitis. — 7 E. 1. Blount's Tenures, p. 60. This customary acknowledgment by the very name of Warth, is still paid within the Mannor of Sutton-Colfield, Com. Warwic. with some particular ceremonies that are indeed singular and surprizing.—Adam de Okes was found by Inquisition, 18 Ed. 2. to die seized of certain Tenements in Dinley, Com. Warwic. held of the King, by the payment of a Half-penny per Annum, called Warth. Rot. Fin. 18 Ed. 2. n. 26.

Wastum, A shallow or fordable part of a River or arm of the Sea, as the Washes in Lincolnshire, &c.—Et sic transierunt per unum walthum maris ad longitudinem unius leuce in vigilia S. Bartholomei, & ex altera parte walthii inimici fuerant parati ad prelium. Henr. Knighton sub anno 1346.

Waste, Vastum, Hath divers significations: First, It is a spoil made either in Houses, Woods, Lands, &c. by the Tenant for Life or Years, to the prejudice of the Heir, or of him in the Reversion or Remainder, Kitchin, fol. 168. Whereupon the Writ of waste is brought, for the recovery of the thing wasted, and treble Damages. See Vasso. Waste of the Forest is most properly where a Man cuts down his own Woods within the Forest, without License of the King, or Lord chief Justice in Eyre. See Manwood, part 2. cap. 8. num. 4 & 5. Secondly, Waste is taken for those Lands which are not in any Mans Occupation, but lie Common; which seem to be so called, because the Lord cannot make such profit of them as of his other Lands, by reason of that use which others have of it in passing to and fro; upon

this none may Build, cut down Trees, Dig, &c. without the Lord's License. Thirdly, Tear, Day and Waste, (Annuus, dies & vastum,) Is a Punishment or Forfeiture belonging to Petit Treason or Felony, whereof you may read Stamf. Pl. Cor. lib. 3. cap. 30. And see Tear, Day and Waste.

Waste ground, Vastum fundus, Is so called, because it lies as waste, with little or no profit to the Lord of the Mannor, and to distinguish it from the Demesnes in the Lord's Hands, 2. par. Inst. fol. 636. See Waste.

Wastinum, Wast Ground or Desert.—Unde queritur, quod disseisivit eos de quingentis acris terre, bosci, mors, wastini, & prati. Chartular. Abbat. Glafton. MS. f. 89. a.

Wastors, Were a kind of Thieves so called, Anno 5 E. 3. cap. 14. There have been divers Manslaughters, Felonies and Robberies, done by People called Robberdismen, Wastors, and Draw-latches, 4 H. 4. cap. 27.

Wastel-Bread, Anno 51 H. 3. Statute of Bread seems to be the finest Bread: But whence the word Wastel is derived, Non liquet, says the Glosse in 10. Scriptores. See Cocket.

Wastel Bowl, A large Cup or Bowl of Silver or of Wood, wherein the Saxons at their publick Entertainments drank a health to one another, in the Phrase of Was-beal, i. e. Health be to You. This is the meaning of the word Vastellum in the Lives of the Abbats of St. Albans, by Mat. Par. p. 141. Abbas solus prandebat supremus in Refectorio habens Vastellum, of which the Learned Dr. Wats was ignorant.—Si non sit Umbraculum aut Baldekium (a Canopy) nescio quid significet; neq; tamen consellare possum, quare Umbraculum Vastellum diceretur. Quare. But by the word Vastellum no doubt is meant the Wastel or Was-beal Bowl, which was set at the upper end of the Table for the use of the Abbat, who was served in this Plate, and began the Health or Poculum Charitatis to Strangers, or to his Fraternity. From hence Cakes and fine white Bread, which were commonly lopped in the Wastel-Bowl, were called Wastel-Bread. It is an unlucky conjecture of Mr. Sommer—Forse à Latino Pastillus alias Pastellus, P. in U. & W. ut sepe transeunte.

Water-Wayliffs, Seem to be Officers in Port-Towns, for the searching of Ships, 28 H. 6. cap. 5. Also an Officer belonging to the City of London, who hath the supervising and search of Fish brought thither, and the gathering of the Toll rising from the Thames. He also attends on the Lord Mayor for the time being, and hath the principal care of marshalling the Guests at the Table; and doth Arrest Men for Debt, or other personal or criminal Matters, upon the River of Thames, by Warrant of his Superiors, and the like.

Water-gage, Watergagium & Aquagagium, A Sea-wall or Bank to restrain the Current or Overflow of the Water. Also an Instrument to gage or measure the quantity or deepness of any Waters.

Water-gang, Watergangium, A Trench or Course to carry a Stream of water, such as are usually made in Sea-walls to loose and drain water out of the Marshes. Some confound this with Water-gage, but they seem to differ in signification; Carta H. 3. De ordinatione Marisci de Romeney, &c. Ad reparandum wallias & Watergangias ejusdem Marisci contra Maris periculum. Omnibus Ballivis de Befinslone, Robertus de Curci, salutem, Mando vobis atq; precipio, quatenus iusticietis meos homines de Margate, ut faciant wallias & watergangas, & clausuras wallarum sicut debent facere, Mon. Ang. 2. par. fol. 920.

Water-gavel, Vvas a Rent paid for fishing in, or other

other benefite received from some River or Water, Henricus.—Rex salutem; Sciatis nos dedisse, &c. dilectis & fideli nostris Huberto de Burgo comiti Cantie & Margeria uxori sue redditum 32s. & 4d. quem homines eorundem Huberti & Margerie de Maneria suo de Elmour nobis reddere solebant singulis annis per manum Ballivi nostri de Menstreworth nomine *Wlatte* gabel Habendi. Dat. 15 H. 3.

Wlatte measure. It is mentioned in the Stat. 22 Car. 2. and is greater than *Winchesser* Measure by about three Gallons in the Bushel, and is now used for selling Coals in the Pool, &c.

Wlatte Ordeal. Our ignorant and superstitious Ancestors had a customary way of Purgation, which they call'd *Judicium Dei*, believing it to be the interposition of Divine Providence, or as it were the immediate Judgment and Decision of God himself. This was commonly by *Fire-Ordeal*, or by *Water-Ordeal*, and this latter was either by hot water, or by cold water. The purgation by hot water was for the Party accus'd to thrust his hands or feet into scalding water, on presumption that his Innocence would receive no harm. That by cold water, was for the Defendant to be cast into a Pond or River, (as they now pretend to try Witches) whether he would sink or swim. The *Fire-Ordeal* was for Free-men, and Persons of better condition: The *Water-Ordeal* for Churls, Bond-men, and other Rusticks. As *Glanville* reports—In tali casu tenetur se purgare is qui accusatur per Dei iudicium scilicet per calidum vel per aquam pro diversitate conditionis Hominum, scilicet per ferrum calidum si sit Homo liber, per aquam si fuerit rusticus.

Wlatting Street. Is one of those four ways which the Romans are said to have made here, and called them *Consulares*, *Prætorias*, *Militares* & *Publicas*. This Street is otherwise called *Werlam* Street. See *Hoveden*. part. prior. *Annal.* fol. 248. This Street leads from Dover to London, Saint Albans, Dunstable, Towcester, Atherston, and the Severn, near the *Wrekin* in Shropshire, extending it self to Anglesey in Wales, Anno 39 Eliz. cap. 2. The second is called *Ikemild* Street, so called ab *leem's*, stretching from Southampton over the River *Isis*, at Newbridge; thence by Camden and *Litchfield*, then it passeth the River *Devent* by Derby, so to *Bolleswer* Castle, and ends at *Tinmouth*. The third was called *The Pisse*, because in some places it was never perfected, but lies as a large Ditch, leading from Cornwall through Devonshire, by *Tisbury*, near *Stow* in the wolds, and besides *Coventry* to *Leicester*, *Newark*, and so to *Lincoln*. The fourth was called *Ermine* or *Erminage* Street, beginning at *St. David's* in West-Wales, and going to Southampton. See the Laws of Edward the Confessor, whereby these four Publick ways had the Priviledge of *Pax Regis*. See *Hollinshead's Chron.* vol. 1. cap. 19. and *Henry of Huntington*, lib. 1. in principio.

*Wlabe*son. Such Goods as after Shipwreck do appear swimming on the waves.—In tantum quod omnes Gantiones, correctiones, desdanda, Wavelon, Flotteson, Lagason, & Wrecks & Regalia videl. Magas pisces captas, &c. Carta *Arthur*i Plantaginet magni Admiralli Anglia Majori & Civibus *Ruffen*. Dat. 4. Decemb. 18 H. 8.

Wlatshot or *Wlatstot*, *Ceragium*. This was anciently paid thrice a year towards the charge of Candles in Churches. Tributum quod in Ecclesiis pendebatur ad subministracionem cere & Luminarium. Hac autem solutone multi se contendunt immunes esse a minoribus quibusdam decimis persolvendis ejusdem generis sunt que

alias *Cock & Wlat*, alias *Wainpoit* appellantur *Spelman*.

Wlatstet, *Ward-penny*, or fee paid for waiting, i.e. for keeping Watch and Ward.—*Thomas Spelman* tenuit manerium de *Narborough* in com. *Norfolk* per servitium militare & per redditum 14 sol. pro wayt-fee & *Castle-guard*.—*Blount* of Tenures, p. 7.

Wlat. See *Chimin*.

Wleald or *Wleld*. A Saxon word signifying *Sylvus* is the woody part of a Country, as the *wleald* of *Kent*. *Camd. Brit.* pag. 247. Anno 26 H. 8. cap. 7. In the *Collectio* of Statutes, 14 Car. 2. cap. 6. It is misprinted *wildes* of *Sussex*, *Surry* or *Kent*, for *Wlealds*.

Wleart or *Wleert*, *Wera* & *Wara*, A Stank, or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the Stream to a Mill. *Unam warram & duas Cotlandas cum Domino & Prato*, Mon. Angl. 2. par. fol. 128. See *Kiddell*.

Wedbedrip. The Customary service which inferior Tenants paid to their Lord in cutting down their Corn, or doing other Harvest Duties. From Sax. *peð*, a Covenant or Agreement, (whence to *wedda*, wedding, a wedded Husband, a wedded Bond-slave, &c.) and *biddan* to pray or desire, and *pippan* to reap or mow. As if a Covenant of the Tenant to reap for the Lord at the time of his bidding or commanding.—A. D. 1325. *Robertus Filius Nicholai* *Germani* tenet unum messuagium & dimidiam virgatam in bondagio ad voluntatem Domini, & debet unam aruram in Teme, & unam sarcularuram, & debet *Wedbedrip* pro voluntate Domini. *Paroch. Antiquit.* p. 401. *Alicui* que fuit uxor *Ricardi le Grey*—faciet unam sarcularuram & unam *Wedbedripam* & *levationem* *jeoni*. *Ib.* p. 402.

Wleif. See *Waise*.

Wleigh, *Waga*. Is a weight of Cheefe or Wooll containing two hundred fifty six pounds of *Averdu* *pois*. See *Waga*. Co. 12 Rep. fol. 17. mentions eighty weigh of *Bay-Salt*.

Wleights, *Pondera*. There are two sorts of them in use with us; The one called *Troy-weight*, having twelve ounces in the pound, by which Pearl, Precious Stones, Electuaries, and medicinal things, Gold, Silver and Brede be weighed. The other is termed *Averdu* *pois*, and contains sixteen ounces in the pound, by which all other things be weighed that pass by weight. *Geo. Agricola* in his learned *Traçate De Ponderibus & mensuris*, pag. 339. terms the pound of twelve ounces *Libram medicam*, and the other of sixteen ounces *Libram civilem*, saying thus of them both, *Medica & civilis libra numero non gravitate unciarum differunt*. The second seems so to be termed, by reason of the more full weight. But by these words *Aver du pois*, are sometimes signified such Merchandise as are bought and sold by this kind of weights. The first Statute of *York*, made 9 E. 3. in *Prozm.* 27 E. 3. stat. 2. cap. 10. and 24 H. 8. cap. 13. See *Shene de verbor. Signif. verb.* Serplathe. All our *Weights* and *Measures* have their first Composition from the Penny-Sterling, which ought to weigh thirty two wheat Corns of a middle sort; twenty of which Pence make an Ounce, and twelve such Ounces a Pound; but fifteen Ounces make the Merchants Pound, *Fleta*, lib. 2. cap. 12. which though an Ounce less should probably be all one in signification with *Aver-du-pois*, and the other Pound called by *Fleta*. *Trone-weight* plainly appears to be the same

with that we now call *Troy-weight*. See *Tronage*. From henceforth there shall be one *Weight*, one *Measure*, and one *Pard*, according to the Standard of the *Exchequer*, through all the Realm, &c. Anno 17 Car. 1. cap. 19. See *Pondus Regis*.

Weights of Auncel, Anno 14 E. 3. stat. 1. cap. 12. See *Auncel weight*.

Wetpeth.—*Et omnia animalia advenientia fugitiva, Gallie Wetpeth in toto Hundredo de Halton*, Mon. Ang. 2. par. fol. 187. See *Waif*.

Wend, *Wendus*, i. *perambulatio*, From the Saxon *Wendani*, i. *to go*. *Procinclis terre amplior plurima juga in se continens*, *Rentale Regalis Manerii de Wye*, pag. 31.—*Tres sunt wendi*, viz. *Doun-wend*, *Chilstones-wend*, & *Bonsford-wend*, & in quolibet wendo sunt decem juga & sic in tribus wendis sunt 30. juga, quorum 26. juga & dimid. sunt in wye & infra. Quilibet wendus faciet 10. *avragia* semper de tribus septimanis in tres, &c.

Wetere alias *Wetere*, According to *Lambert* in his *Explication* of *Saxon* words signifies *estimatio capitis aut pretium hominis*. That is so much as one paid in ancient time for killing a Man, when such Crimes were punish'd with pecuniary Mults, not Death. In *Leg. Ed. Conf.* cap. 11. we read *Wetere suum*,—id est, *pretium sue redemptionis*, his *Ransome*.—*Siquis ante Comitum in placito pugnaverit, emendat secundum pretium sui-ipsius, & foris-facturam quod Angli dicunt were & wite*, *Leg. Canut. MS.* pag. 150. In which words the Saxon *W.* is often mistaken for *P.* and written *Pere* and *Pite*. See *Pere* and *Pite*. See also *Gaveler*.

Weteregeth, Signifies a *Thief* that may be redeemed, *Fleta*, lib. 1. cap. 47.

Weteregild, *Weteregeld*, *Wergildus*, *Pretium seu valor hominis occisi, homicidii pretium*, which was paid partly to the King, for the loss of his Subject, partly to the Lord whose Vassal he was, and partly to the next of Kin. *De unoquoque fure per totam Scottiam est wergelt 30. Vacce & una juvenca, siue fuerit liber homo, siue servus*, *Reg. Majest. lib. 4. cap. 19.* The *weregild* of an Archbishop and of an Earl was 15000 *Thrim's*. *Selden's Titles of Honour*, fol. 604.

Weterelada, *Purgation* upon Oath of other Persons, according to the value or estimate of the Person accus'd.—*Homicidium vera solvatur, vel werelada negetur*.—*Leg. Henr. 1. cap. 12.* *Siquis de homicidio accusatur, & idem se purgare velit secundum natale suum, perneget que est werelada. Ib.* cap. 75.

Weteretoff.—*Et sint quieti de War-penny, & Aver-penny, de Hundred-penny, & Thengd-penny, de Weretoff, & de omnibus que contingent facienda per Angliam*. *Mon. Angl. Tom. 1. p. 669.*

Wetervagium, *Wharfage*, or Money paid at a *Wharfe* for lading or unlading Goods.—*Cum saka & soka, tol & theam, & infargenthes, & cum omnibus aliis consuetudinibus legibus & libertatibus suis, & wervagio suo biland v. biffrende, & sint quieti de placitis & querelis*. *Mon. Angl. Tom. 1. p. 550.*

Weteretoffe.—*Et sint quieti de communi misericordia Comitatus, de Ward-penny, & Aver-penny, de Hundred-penny & Thirthing-penny, de Weretoffe, & de Forefeng*, *Carta Hen. 1.* See *Were*.

Wetervagium.—*Cum omnibus aliis consuetudinibus, legibus & libertatibus suis & wervagio suo bi land & bi brand*, *Carta Hen. 3.* *Leveshamensi canob. concess.*

West-Saxonlage, Was the Law of the West-Saxons. See *Merchenlage*.

Westminster, Westmonasterium, Was the ancient Seat of our Kings, and is now the well-known place, where the High Court of Parliament, and Courts of Judicature sit. It had great Priviledges granted by Pope *Nicholas* among others. *Ut amplius in perpetuum Regie constitutionis locus sit atq; Repostorium Regalium Insignium*. Ep. ejus ad div. *Edoward*. *Tom. 3. B. fol. 1228.* See *City*, and 4 *Inst. fol. 255.*

Weterecroft, *Habebit mensuram unam, sc. weterecroft cum orto ubi possit manere, &c.* *Mon. Angl. 2. par. fol. 40.*

Wharfe, *Wharfa*, Is a broad plain place near a Creek or Hith of the Water, to lay Wares on, that are brought to or from the Water, *New Book of Entries*, fol. 3. Anno 12 Car. 2. cap. 4.

Wharfage, *Wharfagium*, Is Money paid for landing Wares at a *Wharf*, or for Shipping or taking Goods into a Boat or Barge from thence. It is mentioned 27 H. 8. cap. 26. And 22 Car. 2. cap. 11, &c.

Wharfinger, Is he that owns or keeps a *Wharfe*, or hath the over-sight or management of it, Anno 7 E. 6, 7. 12 Car. 2. cap. 4. and 22 Car. 2. cap. 11.

Wetherelage, *Rotagium*; *Tributum est quod Rotarum nomine penditur, hoc est pro plaustris & carris transeuntibus*. *Spelm.*

Wetherlicotts, The ancient English open Chariots that were used by Persons of Quality before the Invention of Coaches. See *Stow's Survey of London*, p. 70.

Whitha, *Edmundus Prior de Ely & ejusd. loci Conv. concedunt Johanni Palsfrayman de Sutton placeam terra—& unam whitam jacentem in vasto nostro de Sutton—inter whitam Thoma Attechirche ex parte occidentali & whitam Johannis Pyper Nativi nostri ex parte orientali.*—*Ex Cartular. Eccl. Elien. MS. penes Joh. Epum Norwic.*

Whithchart Silber, *Candidi cervi argentum*, Is a mulct paid into the Exchequer out of certain Lands in or near the Forest of *Whitehart*, which hath continued from Henry the Third's time, who imposed it upon *Thomas de la Linde*, for killing a most beautiful *White Hart*, which that King before had purposely spared in Hunting, *Camd. Brit. pag. 150.*

Whithe Meats, *Milk*, *Butter*, *Cheese*, *Eggs*, and any composition of them, which in times of Superstition were forbid in Lent, as well as *Flesh*, till King Henry 8. published a Proclamation to allow the eating of *White-Meats* in Lent, Anno Reg. 34. 1543.

Whithe-Rent, *Redditus albus*. See *Quit-Rent*.

Whithe-Spurs, A sort of Esquires so called. See *Esquires*.

Whithe-Straitts, A kind of course Cloth made in *Devonshire*, about a yard and half a quarter broad, raw, mentioned 5 H. 8. cap. 2.

Whitson-farthings. See *Pentecostalls*, mentioned in Letters Patent of Henry the Eighth to the Dean of Worcester.

Widow of the King, *Vidua Regis*, Vvas she, that after her Husband's death, being the Kings Tenant in Capite, was forced to recover her Dower by the VVrit De

De Dote assignanda, and could not marry again without the King's consent, *Stamf. Prærog. cap. 4.* See the Statute of the *Prærog. Anno 17 E. 2. Mag. Chart. cap. 7.* and *32 Hen. 8. cap. 46.* See *F. N. B. fol. 263.*

Wicca, A Country House or Farm, of which many a one is now call'd the *Wike*, and the *Wick*. — *Nos VV. Abbat Glasfion. & Conventus* — *concessimus Andrea de wik pro homagio & servitio suo wicam de manerio nostro de Effebi cum omnibus pertinentiis suis in eadem villa.* — *Chartular. Abbat. Glasfion. MS. f. 29.*

Witchcraft, *Witchcraft*. The word occurs in the Laws of King *Canute*, cap. 27.

Widow-hood, *Widuitas*, The state or condition of a *Widow*.

Wife, *Uxor*, After Marriage, all the will of the *Wife*, in Judgment of the Law, is subject to the will of the Husband, and it is commonly said, *A feme covert hath no will, sed fulget radiis mariti*, *Co. 4. Rep. Forfe and Hembling's Case.* See *Perkins*, fol. 2, 3, 4. *Plowd. Comment. 344.* *Byer and Rigdon's Case*, *Dollor and Student*, fol. 13. and *4 H. 6. 31.*

Will, or last *Will*, *Testamentum, ultima voluntas*, Is of two sorts, A *Will* in writing, called also a *Testament*; and a *Will* by word of Mouth, only called a *Nuncupative Will*, which being proved *per Testes*, may be of as good force as that in writing, except only for Lands, which are not devisable, but by a *Testament* in writing made in the life of the Testator. See *Touchstone of Wills*, pag. 2. See *Testament*.

Wigre, A Saxon word, derived from *Wig* or *Wit*, which signifies *Sylvam*, and *Greve præpositus*, and denotes the Overseer of a *WVood*, according to *Spelman*: But *Wia* in Saxon more truly signifies *Vir*, and so it may more properly intend an Overseer of the High-ways.

Winches. A kind of Engine to draw Barges up the water against the stream, *Anno 21 Jac. cap. 32.*

Winter-heyning, Is that Season comprehended between the Eleventh day of November, and the Three and twentieth of April, which time, by the Act made 20 Car. 2. cap. 3. is excepted from the liberty of commoning in the Forest of Dean.

Wistgiltshet, *Vale Royal*, pag. 113. Perhaps mistaken for *WVeregetshet*, which see.

Wistdore, A Herald. See *Herald*.

Wist, A *Wist*, or half a Hide of Land. — *Oslo virgata unam hidam faciunt, wista vero quatuor virgatis constat.* *Mon. Angl. Tom. 1. p. 313.* — *In Perlea est una wista in dominio, ista enim 48. acris constat.* *Chron. Monaster. de Bello, MS.*

Witte, A Saxon word signifying Punishment, Pain, Penalty, Fine, or Mult: Hence *Witte* or *Witnesse*, one of the terms of Privilege granted to our *Postmen*, denoting a Freedom or Immunity from Fines or *Amerciaments*, and not (as they vulgarly accept) from being liable to be begg'd for Fools, for lack of wit or understanding, *Saxon Dict.* See *WVyte & Gloss.* in 10. *Script.*

Wittes, *Witen*, The Title among our Saxon Ancestors for their chief Lords or Thanes, their wife and their noble Men. And the *WVittens Gemoete* were the Councils or Assemblies of the great Men to advise and assist the King.

Witterden alias *Wittereden*, and *Witinterden*, *VVas* a kind of Taxation among the *WVest-Saxons*, imposed by the Publick Council of the Kingdom: For *Wite* and *Witan* signify *Majores Regni* and *Radan Concilium*. See *Charta Ethelwulphi Regis Catholica apud Malm. de Gest. R. lib. 1. pag. 41.* *Mansio* (sc. *quævis Ecclesiæ assignata*) sit tuta & libera ab omnibus secularibus servitiis, Necnon regalibus tributis majoribus & minoribus sine taxationibus, quæ nos dicimus *Wittereden*.

Witthernam, *Vetitum Namium*, may be compounded of the Saxon *Wyther*, altera, & *Nam*, captio, and is a forbidding taking, as the taking or driving a Distress to a Hold, or out of the County, so that the Sheriff cannot upon the Replevin make deliverance thereof to the Party distrained. In which case the *WVrit of Witthernam*, or de *Vetito Namio*, is directed to the Sheriff, for the taking as many of his Beasts that did thus unlawfully distrain, or as much Goods of his into his keeping, till he hath made deliverance of the first Distress: Also if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the *Posse Comitatus*, and beat down the Castle, as appears by the Statute of *Westm. 1. cap. 20.* and *Britton*, cap. 27. *Witthernam* according to *Bracton*, lib. 3. *traff. 2. cap. 37.* And in *Westm. 2. cap. 2.* seems to signify an unlawful Distress made by him that has no right to distrain, *Anno 13 E. 1. cap. 2.* See the *New Book of Entries*, hoc verb. and see *F. N. B. fol. 73.* *Reg. Orig. fol. 82, 83.* *Reg. Judic. fol. 29.* and *Smith de Republ. Anglor. cap. 10.* This *Witthernam* (saith he) is in Dutch and likewise in Saxon *Witthernemp*, that is, *alternum accipere*, and signifies all one with *Reprisalia*, *Reprisals*. See *Skene de verbor. Signif. verb. Averia*.

Wittherlake, *Wytherlake*, An Apostate, a perfidious Renegado. *Leg. Canuti Reg. cap. 27.*

Witnesman. — *Inde venient ad supradictos dominos prædictarum villarum & petent ab eis WVitnesman, & ipsi Domini facient Forestarios Witnesman, sic & omnes Forestarii mei jurabant invicem, qui facti fuerint Forestarii, quod neminem nocerant occasione illius testimonii, &c.* *Carta Joh. de Vipont in castello de Appelby, Dat. 6. Joh. Reg.*

Woad, *Glastum*, Is an Herb like *Plaintane*, growing in many places of England, formerly brought from *Tholouse* in France, and from Spain, much used, and very necessary for the dying of a blue colour, *Anno 7 H. 8. cap. 2.* We call it *Woad*, from the Italian *Guedo*.

Wold, *Walda*, A Down, or Champagne-Ground, hilly, and void of wood; as *Stow* in the wolds, and *Cotswold* in Gloucestershire.

Wong. A Saxon word, written otherwise *Wange*, and signifying a Field; *Tres acras terra jacentes in lex wongas*, i. in campis opinor seminalibus, magis quam pasuis, saith *Spelman*. So in an ancient Charter of *Garradon Abbey* in *Leicester-shire*, Dat. 14 E. 3. There is mention of the *twelckitwong*, which is a large piece of inclosed Ground lying before the *Abby-Gate*. See *Wang*.

Wwood-coyn, Some quantity of Oats or other Grain, paid by Customary Tenants to the Lord, for liberty to pick up dead or broken Wood. — *In villa de Thorp hæ sunt consuetudines* — *qualibet integra virgata terra* — *Dat ad Natale unam panem, & unam jumnam de avena, scil. Wdecorn & operatur 3 diebus.* — *Swafham, five Cartular. Burgi S. Petri, MS. f. 142.* — *Ivefye est una hida terra & dimidia* — *quæ libet virgata Dat ad Natale ij gallinas & panem*

panem & vi escheppas avena ad Wdecorn pro martuo
bosco. Ib. f. 143.

Woodgeld, *Woodgeldum*, Seems to be the gathering or cutting of Wood within the Forest, or Money paid for the same to the Foresters; and the immunity from this by the King's Grant is by *Crompton* called *Woodgeld*, fol. 157. Co. on Lit. fol. 233. says, It signifies to be free from payment of Money, for taking Wood in any Forest.

Woodhey. — *De quolibet bosci summagio super Isie pontem (i. e. Exbridge) deportato unus truncus solvitur ad pontis reparationem quæ consuetudo vocatur Woodhey.* — *Antiquities of Exeter*, p. 45.

Woodmen, Are those in the Forest that have charge especially to look to the King's Wood, *Crompton Jurid.* fol. 146.

Woodlode. — *Rogerus Prior & capitulum Ecclesie Christi Cantuar. quetos clamant Magistrum & Fratres Hospital. S. Marie de Ospreng & eorum Successores de consuetudinibus subscriptis, videlicet, de arura, Hatewite, Ripsilver, Wodelode, Heylode, Aversilver, &c. quæ consuetudines fieri solent in curia de Adesham. Dat. mens. Febr. 1242.* — *Registr. Eccles. Christi Cant. MS.*

Woodmote, Is the old Name of that Court of the Forest, which is now since the Statute of *Charta de Foresta* called the Court of Attachments, and by that Statute is held every forty days, but was wont to be held at the will of the chief Officers of the Forest, without any certain time. See *Manwood's Forest Law*, cap. 22. fol. 207.

Woodplea Court, Is a Court held twice in the year in the Forest of *Clun* in *Com. Salop*, for determining all matters of Wood and Agiftment there, and perhaps was anciently the same with *Woodmote Court*.

Woodward, *Woodwardus*, Is an Officer of the Forest, whose Function you may understand by his Oath set down in *Crompton Jur.* fol. 201.

YOU shall truly execute the Office of a Woodward of B. Woods within the Forest of W. so long as you shall be Woodward there; you shall not conceal any Offence either in Vert or Venison, that shall be committed or done within your Charge, but you shall truly present the same, without any Favour, Affection or Reward. And if you see or know any Malefactors, or find any Deer killed or hurt, you shall forthwith do the Verderor to understand thereof, and you shall present the same at the next Court of the Forest, be it Swainmote, or Court of Attachments. So help you God.

Woodwards may not walk with Bow and Shafts, but with Forest Bills, *Manwood*, part 1. pag. 189. *Arum & calamus gestare in Foresta non licet, sed (ut rescripti utar verbo) Hæcctum tantummodo.* Sic. Term. Hill. Anno 13 E. 3. Ebor. Rot. 106.

Wooll Drivers, Anno 2 & 3 P. & M. cap. 13. Are such as buy Wooll abroad in the Country of the Sheep-Masters, and carry it on Horseback to the Clothiers, or to Market Towns to sell again.

Woollsherfeshod, *Caput Lupinum*, Is the condition of such as were Outlawed in the Saxons time, for not submitting themselves to Justice: For if they could be taken alive, they should have been brought to the King, and if, upon fear of Apprehension, they defended themselves, they might be killed, and their Heads brought to the King; for they carried a *Wolves Head*, that is to say, their Head was no more to be accounted of than a *Wolves Head*, being a Beast so hurtful to Man. So the Laws of King Edward, by *Lambert*, fol. 127. num. 7. and *Bract. lib. 3. tract. 2. cap. 11.* This is miswritten *Wulvesherfed*, by *Roger Hoveden*, part. poster. suor. *Annal.* fol. 343.

Woollstaple, Anno 51 H. 3. stat. 5. That City or Town where wooll was sold. See *Staple*.

Woollwinders, Are such as wind up every Fleece of wooll, that is to be packed and sold by weight, into a kind of bundle, after it is cleansed in such manner as it ought to be by Statute, and to avoid such deceit as the Owners were wont to use by thrusting in locks of refuse wooll, and other dross, to gain weight. They are sworn to perform that Office truly between the Owner and the Merchant. See the Stat. 8 Hen. 6. cap. 22. 23 Hen. 8. cap. 17. and 18 Eliz. 25.

Woorderinde. — *Item pro cibo Prioris quarendo, & pro servitio, quod dicitur VVorderinde & pro pomis frangendis 12 den. &c. Somner of Gavelkind*, p. 190.

Wormseed, *Semen Sanctoniquum*, Is a medicinal seed, produced by that Plant which we call *Holy-wormwood*, whereof you may read in *Gerard's Herbal*, lib. 2. cap. 435. This is a Drug to be garbled, Anno 1 Jac. cap. 19.

Wormtak. — *Item est ibidem (scil. apud Orleton) de Wormetak vi. Sol. viij. den. solvend. annuatim ad Festum S. Martini.* Inquis apud Heref. 22 Ric. 2.

Wrenglands, Seem to be misgrown Trees, that will never prove Timber, *Kitchin*, fol. 169.

Worthinus, A Worthine of Land, a certain quantity or dimension of Ground so call'd in the Mannor of *Kingsland Com. Hereford*. It is from hence possibly, that in some Mannors certain Tenants are call'd *Worthies*, 18 Ed. 3. inter consuetud. *Manerii de Haddenham Com. Buck.* from the Sax. *Weorth*, a Country Houle or Farm; whence the termination of worth in so many of our Country Villages. — In villa Regia quæ lingua Anglorum vocatur *Beodnibesworth*, Latine vero *Beodrici curis sive habitatio nominatur.* Matth. VVestm. sub anno 870.

Wrecke, *VVreccum maris*, Is, where a Ship is perished on the Sea, and no Man escapes alive out of it: The Civilians call it *Naufragium*. This wrecke being made, the Goods that were in the Ship being brought to Land by the waves, belong to the King by his Prerogative, or such other Persons to whom the King hath granted wrecke. But if a Man, or a Dog, or a Cat escape alive, so that the Party to whom the Goods belong, come within a year and a day, and prove the Goods to be his, he shall have them again by the Provision of the Statute of *VVestm.* 1. cap. 4.

cap. 4. and 17 E. 2. cap. 11. *Carol. 6. fol. 106. Brafton, lib. 2. cap. 5. num. 7.* This in the *Grand Customary of Normandy*, cap. 17. is called *Warech*, and latined *verifcam*, and in some ancient Charters it is written *Stup-wyrt*, *quafi Stupa up wyrt*, that is, *ejectus maris*, from *Up-wyrt*, *egicere*. By which, and other Antiquities, it appears, that *wreck* did not only comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast up upon the Land, where it precious Stones, Fishes, or the like, as by the Statute made 17 E. 2. cap. 11. called *Statutum Prærogative Regis*, appears in these words, *Item Rex habeat wreccum maris, per totum Regn. Balenæ, & Sturgines captas in mari vel alibi infra regnum, exceptis quibusdam locis privilegiatis per Regem.* In the Stat. 27 H. 8. cap. 26. it is called *wreck de mcr.* See 2. Inst. fol. 167.

Wreccfree, *Wreccfree*, or exempt from the forfeiture of Shipwreck'd Goods and Vessel to the King. King Edw. I. by Charter granted this Immunity to the Barons of the Cinque Ports—*Quod sint Wreccfree & Wyttrefry & Lestagefry & Lanetofry & quod habeant den & Strond apud Gernemurth.*—*Placit. temp. Ed. 1. & Edw. 2. MS. 4. penes Dom. Fountains ex Aede Christi Oxon.*

Wreccledius, — *Berges reddit in gabulis affligit*—*Et sunt ibi tres Wreccledii quorum quilibet debet flagellare unam summam fragmenti ad semen in hieme.* *Chartular. Abbat. Glaston. MS. f. 39. b.*—*Sunt ibi duo Wreccledii qui debent ibi in servitium facere quod Cotarii. ib.*

Writ, *Breve*, Is the King's Precept, whereby any thing is commanded to be done touching a Suit or Action, as the Defendant or Tenant to be summoned, a Distress to be taken, a Disseisin to be redressed, &c. And these Writs are diversely divided in divers respects, some in respect of their Order, or manner of granting are termed *Original*, and some *Judicial*. *Original* Writs are these, that are sent out for the summoning of the Defendant in a personal, or the Tenant in a real Action, before the Suit begins, or rather to begin the Suit: Those are *Judicial*, which are sent out by Order of the Court where the Cause depends, upon occasion after the Suit begun, *Old Nat. Brev. fol. 51. & 147.* And the *Judicial* are known from the *Original* thus, because the *Teste* of that bears the Name of the chief Justice, of that Court whence it Issues, whereas the *Original* in the *Teste* has the Name of the Prince; and according to the nature of the Action, they are either *personal* or *real*: *Real* are either touching the possession called *Writs of Entry*, or the property called *Writs of Right*. Some Writs are at the Suit of the Party, some of Office, some Ordinary, some of Privilege: A *Writ of Privilege*, is that which a privileged Person brings to the Court for his exemption, by reason of some Privilege. See *Procedenda*, and the *New Book of Entries*, verb. *Privilege*. See *Brief*.

Writ of Rebellion. See *Commission of Rebellion*.

Writ of Assistance, Issues out of the Exchequer, to authorize any person to take a Constable, or other publick Officer, to seize Goods or Merchandize prohibited and uncustomed, Stat. 14 Car. 2. cap. 11. There is also a *Writ of Assistance* out of the Chancery to give a Possession.

Writer of the Tallies, *Scriptor Talliarum*, Is an Officer in the Exchequer, being Clerk to the Auditor of the Receipt, who writes upon the *Tallies* the whole Letters of *Tellers Bills*.

Wythehepe. See *Pudhepe*.

Wyke, *Wyke*, A Farm, or little Village, *Et totam wykam cum hominibus, &c.* Mar. Ang. 2. par. fol. 154.

Wyte or *Witte*, *Wyta* vel *wita*, In Latin *Mullis*

Saxones *duo multarum genera statuere wytam & wygram*, *Wera mortis reos & gravissime peccantes liberabat.* *Wyta* *mediis & levioribus delictis* *statuta fuit*, non certa sed pro qualitate commissi, aliis *gravior*, aliis *levior*; *salvo tamen semper contentione delinquentis* (ut *lex loquitur* in *Mag. Chart. cap. 14.*) *hoc est, estimatione ejus Anglice his Countenances.*—*Ex his placitis quodam emendantur centum solidi, quodam wera quodam wyta, quodam emendari non possunt*, Leg. H. 1. cap. 13. *Emendet juxta ordinis dignitatem, siue per redemptionem, i. wyte; per forisfacturam, i. wyte: per legis transgressionem, i. Lashlite.* M. S. de Leg. Cnuti in Biblioth. Cotton. *sub tit. Vitellius, C. 9.*

Wythet, A *Wicket*, or little Door.—*Et cum venisset ad portam Ecclesie prædictæ, per quam competeret ipsum transire ad Ecclesiam, invenit eam clausam, ita quod non potuit ingressus ad eandem nisi per unum parvum wyketum.*—*Will. Thorn. sub anno 1332.*

Wyttrefry, King Edw. I. grants this Immunity by Charter to the Barons of the Cinque Ports—*quod sint wreccfree, & wyttrefry, & Lestagefry, & Lanetofry, & quod habeant den & Strond apud Gernemurth.*—*Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountains ex Aede Christi Oxon.*

Wywede, — *Cum autem in boscu nostris aliqua succiderimus, licet eis sine aliquo ferramento vel aliquo utilis succibili intrare & ramalia qua de wywede remanserint qua Anglice Syren dicuntur colligere.*—*Conventio inter Priorem & Monachos Ecclesie Christi Cant. & homines suos de Churtham facta anno 1166.* *Registr. Eccl. Christi Cant.*

Wyron, *Injuria*, Is in French aptly called *Tort*, because *wyron* is wrestled or crooked, being contrary to that which is right and strait, Co. on Lit. lib. 2. cap. 1.

X.

Xenia, Dicuntur Munuscula quæ à Provincialibus rectoribus Provinciarum offerebantur. Vox est in Privilegiis Chartis non infusa, ubi quietus esse à Xenii immunes notat ab hujusmodi muneribus aliisq; donis Regi vel Regine prestandis quando ipsi per prædia Privilegiatorum transierint, ut in Chart. domus Semplingham. Principibus enim olim fuit in more, à subditis vel invitis munera extorquere. Itaq; ab hoc jure liberos fecit Ecclesiasticos, Ethelbaldus Rex Merciorum, Anno 747. ut ab exemplari Chartæ suæ tum apud Ingulphum Sax. tum Will. Malmesh. lib. de Gest. Reg. Angl. p. 29. l. 4. his verbis habetur. *Concedo ut omnia Monasteria & Ecclesia Regni mei à Publicis vestigalibus, operibus & oneribus absolvantur.*—*Nec munuscula præbeant Regi vel principibus nisi voluntaria.* Spelm. So in Memorand. Scacc. de anno 20 E. 3. Trin. Rot. 3. *Nulla autem persona parva vel magna ab hominibus & terra Radingensis Monasterii exigat non equitationem siue expeditionem, non summagiam, non vestigalia, non navigia, non opera, non tributa, non Xenia, &c.*

Xenodochium, Interpretatur hospitium, An Inn by Publick Licence allowed, for the entertainment of Strangers, and other Guests. It may also be interpreted an Hospital, In qua valetudinarii & senes, id est, infirmi recipiuntur & aluntur. See *Vocab. utriusq; juris*, verb. *Eodem*.

Y.

Y et **Nay**.—*Quid homines sui* (Ripponienses) *sint credendi per suum Ya & per suum Nay in omnibus Querelis & Curis, licet tamen. Freedomstall, &c. Charta Athelstani Regis. Mon. Ang. Tom. 1. pag. 173. a.*

Yard, *Virga*, Is a well known Measure, three Foot in length, which (Sir Richard Baker in his *Chronicle* says) *Henry the First* Ordained by the length of his own Arm. See *Virga ferrea*.

Yardland, *Virgata Terra*, Is a quantity of Land various, according to the place; as at *Wimbleton* in *Surrey* it is but fifteen Acres, in other Counties twenty, in some twenty four, in some thirty, and in others forty Acres: *Virgata terra continet 24. Aeras & 4. Virgatae constituent unam Hydram. & quinq. Hydræ constituent feodum militare, MS. Abbatia Malmesb.* This *Yardland*, *Bracton*, lib. 2. cap. 10. & 27. calls *Virgatum terra*, but expresses no certainty what it contains. It is called a *Verge of Land*, Anno 28 E. 1. *Statute of Wards*. See *Seiden's Titles of Honour*, fol. 622.

Yconomus, *Oeconomus*; an Advocate, Defender, or Patron.—*In Ecclesia illa Rex ista vice agens Yconomi & Custodis specialis. Vit. Abbat. S. Albani.*

Year and Day, *Annus & Dies*, Is a time that determines a right in many Cases; and in some Works an Usucaption, in others a Prescription; as in case of an *Esstray*, if the Owner (Proclamations being made) challenge it not within that time, it is forfeit: So is the *Year and Day* given in case of Appeal, in case of Descent after Entry or Claim; or of no Claim upon a Fine or Writ of Right at the Common Law, so of a Villain remaining in ancient Demesne: Of a Man so bruited or wounded: Of Protections, *Eloins* in respect of the King's Service; of a Wreck, and divers other cases, *Co. vol. 6. fol. 107.* And that touching the death of a Man, seemeth an imitation of the Civil Law. *Nam si mortifere fuerit vulneratus & postea post longum intervallum mortuus sit inde annum numerabimus; Secundum Julianum l. ait lex & ad legem Aquil.*

Year, Day and Waste, *Annus, Dies & Vastum*, Is a part of the King's Prerogative, whereby he challengeth the Profits of their Lands and Tenements for a Year and a Day that are Attainted of Petty Treason or Felony, whoever is Lord of the Mannor whereto the Lands or Tenements belong; and not only so, but in the end may waste the Tenements, destroy the Houses, root up the Woods, Gardens, Pasture, and Plough up the Meadows, except the Lord of the Fee agree with him for Redemption of such Waste, afterwards restoring it to the Lord of the Fee; whereof you may read at large in *Stamf. Prærog. cap. 16. fol. 44.*

Yielding and Paying, *Reddendo & solvendo*, Is a corruption from the Saxon *geldan* and *gylðan*, *solvere, prestare*. And in *Doomsday-Book*, *Gildare* is used for *solvere*.

Yeme, Is an old Corruption from *Hieme*, and that from *Hiems* Winter; So some old Deeds have it, *Reddendo—ad festum S. Martini in yeme, &c.* And in another of 4 E. 3. thus,—*Reddend. quando dist. 4. acra terra seminantur semine yemali duodecim Bushelli.*

boni & legalis frumenti ad festum Purificationis, &c.

Yeoven or **Prooven**, So some old Indentures say, *Yeoven the Day and Year first above-written*: It is the same with *Given*, and perhaps corrupted from the Saxon *Geopian*, i. *Dare*. So *Distum de Kenelworth*, concludes—*Yeoven*, and proclaimed in the Castle of Kenelworth, the day before the Calends of Novemb. Anno 1256.

Yeman, or **yeoman**, or **roman**, A derivative of the Saxon *geman*, i. *Communis*. These *Camden* in his *Brit. pag. 105.* placeth next in order to Gentlemen, calling them *Ingenuous*, whose Opinion the Statute affirms, Anno 6 Rich. 2. cap. 4. and 20 R. 2. cap. 2. Sir Thomas Smith in his *Republ. Anglorum*, lib. 1. cap. 23. calls him a *Yeoman*, who our Law calls *Legale hominem*, which (says he) is in the English a Free-born Man, that may dispense of his own Free Land in Yearly Revenue to the Sum of Forty Shillings sterling. *Vershegan* in his *Restitution of decayed Intelligence*, cap. 10. writes, That *Gemen* among the ancient *Teutonicks*, and *Gemein* among the modern, signifies as much as *Common*, and the letter G. being turned into Y. is written *Yemen*, which therefore signifies a *Commoner*. *Yeoman* also signifies an Officer in the King's House, in the middle-place between the Sergeant and the Groom, as *Yeoman of the Chantry*, *Yeoman of the Scullery*, 33 H. 8. cap. 12. *Yeoman of the Crown*, 3 E. 4. 5. The word *Youngmen* is used for *Yeomen*, in the Statute 33 H. 8. cap. 10. See *Yemen*.

Yingman, *Leg. H. 1. cap. 16. Danagildum quod aliquando yingeman datur*, i. 12 d. *de unaquaq. hida per annum; si ad terminum non reddatur, wita emendetur.* *Spelman* thinks this may be mistaken for *Englishman*, or as we say now *Englishman*, tho' he finds it written *yingeman* both in Sir Robert Cotton's *Codex* and his own.

Ystius, *Anketel*, in the Reign of King *Ethelred*, gave to the Abbot and Monks of *Ramsay* the Land of *Hicheling*, to receive from it this annual Sum or Rent in Provisions—*ad festum S. Benedicti quod est in estate 10. mittas de brasco & 5 de gruto, & 5 mittas farinæ triticeæ, & 8 pernos, & 16 caseos, & 2 vaccas pingues—in capite autem quadragesimæ 8 fratribus yscios annuatim.*—*Histor. Rames. Sess. 144.* By *yscios* understand, what in Old English they call *Ysinges*, a sort of pickled Salmon.

Yvernagium, (From the French *Hyvernee*, that is, the Winter-Season) was anciently used for the Winter-seedness, or season for sowing of Corn; *Distus vero Willielmus & heredes sui arabant unum seilonem ad yvernagium, & unum seilonem ad semen Quadragesimale, & unum seilonem ad warellum, &c. Charta Richardi de Harecourt penes Tho. Wallascot Arm. sine Dat.*

Yule, Deep in the North parts of England, the Country People call the Feast of the Nativity of Our Lord, usually termed *Christmas*, *yule*, and the Sports used at *Christmas*, here called *Christmas Gamboles*, they stile *Yule-Games*.

Z.

Z Calot, *Zelotes*, Is for the most part taken in pejorem sensum, and so we term one that is a Separatist or Schismatick from the Church of England, a Zealot, or a Fanatick; which are well known terms of Separation.

Z Fabulus. The word is used for *Diabolus*, the Devil, in many old Writers. So in the Laws or Rules which King Edgar prescribed to the Monks of *Hide*, cap. 4. So in *Orderic. Vitalis*, p. 460, &c.

Z Satobin, Sattin, or fine silk. — *Mon. Angl.* Tom. 3. p. 177.

Z Zeta, A Dining-Room, Hall, or Parlour. — *Elphegus cum Zetam veluti pransurus intraret, tam vacuus fere à mensa surrexit, quam vacuus ad mensam accessit.* Osborn. vita S. Elphegi apud Whartoni Angl. Sacr. P. 2. p. 127.

Zuche, Zucheus, *Stips siccus & aridus*, A withered or dry stock of Wood, Rex, &c. *Quia accepimus per Inquisitionem quod non est ad dampnum seu prejudicium nostrum aut aliorum, si concedimus dilectis valetio nostro Ric. de Stelley omnes Zuches aridos qui Anglice vocantur Bovenes infra Hatam nostram de Beskewood, que infra forestam nostram de Shirewood, &c. Pla. Forest. in Com. Nott. de Anno 8 H. 3. — Auxilium faciend. Burgensibus Salop. de veteribus Zuchis, & de mortuo bosco, &c. Claus. 4 Hen. 3. m. 10.*

F I N I S.

A N

APPENDIX

CONTAINING

The ancient Names of Places here in *England*, very Necessary for the Use of all young STUDENTS, who intend to Converſe with Old Records, Deeds, or Charters. Amended and Enlarg'd.

A.

Alenus, flu.

A Blato-Bulgio,

B Ulneſſe or Bolneſſe in Cumberland. Appleby in Weſtmerland.

Aballaba, Applebeia, Abum,

The River Humber.

Abbandunum, Abbendoma, Abendoniam, Abone, Abonis, Abrevicum, Abbas æſtuarium, Achelandia,

Abington in Berkeſhire, formerly called S E W S H A M.

Avington or Aventon in Glouceſterſhire.

Berwick on Tweed.

Humber in Yorkſhire.

Biſhops Aukland in the Biſhoprick of Durham.

Athelney in Somerſetſhire.

Stoneham in Hampſhire, near Redbridge.

Waltown,

Pawnton in Lincolnſhire.

Adelingia, Ad-Lapidem,

Bardſey Iſland betwixt Wales and Ireland.

Ederington in Suffolke.

The Iſles of Hebrides to the Weſt of Scotland.

An old Town near Hadrian's Wall in the N. of England.

Eaton in Berkeſhire.

See Segelocum.

Carmarthenſhire.

The River Avon in Wiltſhire.

Milford-Haven.

Maidenhead in Berkeſhire.

The River Alne in Northumberland.

Whitchurch in Shropſhire.

Ad-murum, Ad-Pontem, Adros, vel Andros, vel Andium, Adurni portus, Abudæ,

Æliani-Porta,

Ætona, Aſeaa, Agelocum, Ager Maridunenſis, Alannius,

Alaunicus portus, Alaunicus Pons, Alaunodunum, Alannus, flu. vel Alanus, Album Monafterium,

Alion, Alione, Alone, Alone flu.

Amboglanna,

Ambroſii burgus, Amariſſima montana de Baſham,

Ancalites,

Anderida,

Andevera,

Angleſega,

Mona,

Anguillaria inſula,

Anguillarianum Monafterium,

Antiveſtaum,

Autona, vel Aufona,

Apicium,

Aque calida,

Aque ſolis,

Akeman-ceſter,

Aquadon,

Aquadunenſis ſaltus,

Aquadendenſis pons,

Aquadunum,

Aquiladunum,

Arbeia,

Ariconium,

Arundelia,

Arundellum,

Aruntina vallis,

Arundinis vadum,

The River Alen in Dorſetſhire, another in Denbighſhire, alſo the River Alne in Warwickſhire.

Lancaster, alſo Whitby-Caſtle in Cumberland.

The River Alon in Northumberland.

Ambleſide in Weſtmerland.

Amesbury in Wilts.

Gogmagog-Hills near Cambridge.

The Hundred of Denby in Oxfordſhire.

Newenden in Kent.

Andover in Hantſhire.

Angleſey.

The Iſle of Ely.

The City of Ely.

The Lands-End.

Auſon or Nen in Northamptonſhire.

Pap-Caſtle in Cumberland.

Bath City in Somerſetſhire.

Eidure vulgo Eaton.

Waterdon.

Eiſford.

Aieton.

Hoxton inſtead of Eagles-Town.

Ireby in Cumberland.

Kencheſter near Hereford.

Arundel in Suffex.

Redbridge in Hantſhire.

Arunus, fl.
Arvonica,
Arus, flu.
Asaphensis episcopatus,
Athanaton,
Athesis flu.

Attrebatii,
Aufona,

Avalonia,
Augusta Trinobantum,
Avena flu.

Avona, flu.

Avonā,
Avona,
Avondunum,
Avonæ vallis,

Axelodunum,

B Achelaganz sylvæ,
Badiza,
Badonicus mons,

Bainardi castellum,
Bainus pons,
Balnea,
Batha,
Bathonia,
Bannavenna,
Bannaventa,
Banus, flu.

Bardunus,

Bana-Infula,

Basenga,
Basingum,
Baterlega,
Bearroccira,
Bedeforda,
Bedfordia,
Belga,

*The River Arun in Suffex.
Carnarvonshire.
The River Are in Yorkshire.
The Bishoprick of St. Asaph.
The Isle of Thanet in Kent.
The River Tees in the Bi-
shoprick of Durham.
Berkshire Men.
The River Nine in Nor-
thamptonshire.
Glastonbury in Somersetshire.
London.
Aven in Wiltshire.*

*The River Avon, that runs
by Malmesbury, Bradford,
Bath, Bristol.
The River Nen, that runs
through Northampton-
shire by Oundle, Peterbo-
rough, and into the Sea
near Lin.
The Avon that flows by
Amesbury, Salisbury,
and so into Dorsetshire.
The waveny that divides
Norfolk and Suffolk runs
by Bongay, corruptly so
called for Avoney.
The Avon rising not far
from Naseby in Nor-
thamptonshire, runs by
Warwick, Stratford, Eve-
sham, and into the Severn
at Tewkesbury.*

*Bungey in Norfolk.
Hampton-Court according
to Leland.
Avondale or Oundle in Nor-
thamptonshire.
Hexam in the Bishoprick
of Durham.*

B.

B Agley.
Bath in Somersetshire.
Bannes-down, a Hill over a
little Village near Bath
called Bathstone.
Baynards-Castle in London.
Bainbridge in Yorkshire.

Bath City.

*Northampton, or rather
Weeden on the Street.
The River Ban in Lincoln-
shire.
A River near Norwich in
Norfolk.
An Island about three miles
from the River Tasi in
Glamorganshire.*

Basing in Hampshire.

Battersey.
Berkshire.

Bedford.

*The Inhabitants of Somers-
et, Wilts and Hampshire.*

Belierium prom.
Bellinus sinus,
Bellisama,
Bellelanda,
Bellocivum,
Bello desertum,
Bellus locus,
Berceia,
Bercheria,
Berechingum,
Berleia,
Bernundi insula,
Bernardi Castellum,

Bernicia,

Berwicus,
Beverlea,
Beverlacenlis,
Bibrocasti,
Bibroci,
Bimonium vinocium,
Erinonum vinovia,
Binovia,
Binovium,
Bishamum,
Blacamora,

Blancoforda,
Blancum castrum,

Blatum Belgium,

Elestium,
Boccinum,

Bodiamum,
Bodotria,
Bolerium Prom.
Bonium seu Bovium,

Borzum Prom.

Borcovicum,
Borcovicus,
Botelega,
Bovium,
Braboniacum,
Bracchium,
Brachilega,

Bramptonia,

Brannodunum,
Brannovium,
Brannoricum,
Bravinum,
Brannonium,
Brannovium,
Brechinia,
Bremenium,

Brementonacum,
Bremeturacum,
Brentæ Vadus,
Brigantes,

Brigantium,

*See Antivestraum.
Bellings-Gate.
Rhibelmouth in Lancashire.
Biland in Yorkshire.*

Beldefert in Warwickshire.

Berkshire.

*Barking in Essex.
Berkley in Gloucestershire.
Bermondsey in Surrey.
Bernard-Castle in the Bi-
shoprick of Durham.
Was a Province reaching
from the River Tees to
Edenborough Frith in
Scotland.*

*Berwick upon Tweed.
Beverley in York-shire.
Of or belonging to Beverley.
The Hundred of Bray in
Yorkshire.*

*Binchester in the Bisho-
prick of Durham.*

*Bisham in Berkshire.
Part of the North-Riding of
Yorkshire.*

*Blandford in Dorsetshire.
Blanc-Castle in Monmouth-
shire.*

*Bulnesse or Balnesse in Cum-
berland.*

*Old-Town in Herefordshire.
Buckingham and Bucken-
ham.*

*Bodiam in Suffex.
Edenborough Frith.
See Antivestraum.*

*Boverton or Cowbridge in
Glamorganshire, also Ban-
gor or Banchoir in Flint-
shire.*

St. Ellens Cape.

Berwick upon Tweed.

*Batley near Oxford.
Boverton in Brecknockshire.
Brougham in Westmerland.
Burgh in Yorkshire.
Brackly in Northampton-
shire.*

*Brampton near Hunting-
ton.*

Branchester in Norfolk.

The City of Worcester.

*Brecknock,
Rocheester in Northumber-
land.*

*Overborow in Lancashire.
Brampton in Cumberland.
Brentford in Middlesex.
Inhabitants of York-shire,
Lancashire, Bishoprick of
Durham, Westmerland
and Cumberland.*

York City.

Bridge vel Brage,
 Bristolia,
 Bristowa,
 Brocavum,
 Brocave,
 Broconiacum,
 Brovonacis,
 Brovonacum,
 Bromfelda,
 Bucostenum,
 Eudeforda,
 Bullaum filurum,
 Burrium,
 Bustelli domus.

Broughton in Hantshire.
The City of Bristol.
Brougham in Westmer-
land.
Bromfield in Denbighshire.
Buxton in Derbyshire.
Bedforda.
Buelth in Brecknackshire.
Uske in Monmouthshire.
Bustleham or Bisbam in
Berks.

C.

Cacaria,
 Calcaria,
 Calatum,
 Caermardinia,
 Caerperis,
 Caer-severus,
 Caer Lincoit,
 Cafaria,
 Cafaro-magus,
 Calacum,
 Calagum,
 Calaterium nemus,
 Calderus flu.
 Caledonia,
 Caledonius Oceanus,
 Caledonii,
 Caleva vel
 Calena,
 Calna,
 Calonia,
 Camaletum,
 Cambodunum,
 Camboricum,
 Camboriturum,
 Cambretonium,
 Cambretovium,
 Cambria,
 Camoladunum,
 Camolodunum,
 Camudolanum,
 Camulodunum,
 Campordunum,
 Candalia,
 Candida casa,
 Canonium,
 Cantabrigia,
 Cantium,
 Cantium prom.
 Cantuaria,
 Caprae caput,
 Carboriarius callis,
 Carleolum,
 Cardigania,
 Carmarthinia,
 Carnarvon.

Tadcaster or Helcaster in
Yorkshire.
Carmardin.
Portchester.
Sarisbury.
Lincoln.
Jarvey-Isle.
Burgsted, also Burntwood
in Essex.
Overborow in Lancashire, al-
so Whealpe-Castle in Cum-
berland.
The Forest of Galtres in
Yorkshire.
The River Calder in York-
shire.
Scotland.
The Scottish Sea.
Those that Inhabited on both
sides of Mount Grampius
in Scotland.
Wallingford in Berkshire.
Calne in Wiltshire.
Coldingham.
Camalet-Castle.
Ruines near Aldmondbury
in Yorkshire.
Grandcester.
Cambridge.
A place by Breton-Spring
in Suffolk.
Wales.
Maldon in Essex.
See Cambodunum.
Kendal in Westmerland.
Whitebeme in Scotland.
Canonden in Essex, also
Chelmsford in the same
County.
Cambridge University.
Kent.
The Northforeland.
Canterbury City.
See Gabrolentum.
Colehill in Flintshire.
The ancient City of Carlisle
in Cumberland.
Cardigan
Carmarthin
Carnarvon } *in Wales.*

Carenii,
 Carnonacæ,
 Carphillis,
 Cassi,
 Cassii,
 Cassiterides,
 Cateveclauini oppidum,
 Castra alata vel
 Castrum alatum,
 Castrum puellarum,
 Castra exploratorum,
 Castrum de vies,
 Castrorodunum,
 Contaracta flu.
 Cataracta,
 Cataractonium,
 Catuellani,
 Cattidudani,
 Cathricludani,
 Cattieuchlani,
 Cavoda,
 Cauna,
 Caufennæ,
 Caufennis,
 Cavum Deiram,
 Ceangi & Cangl,
 Celnius,
 Cenion } flu.
 Cemo }
 Centum fontes,
 Cerdici vadum,
 Ceretica,
 Cernelienfa Cænobium,
 Cerones, Creonii,
 Ceroti insula,
 Certesia,
 Cervi insula,
 Cestria,
 Chestrum,
 Chineglisli castrum,
 Cheva,
 Chirca,
 Ciceastria,
 Cicestria,
 Cilurinum,
 Cilurnum,
 Cirencestria,
 Clara-fontanus,
 Clarus fons,
 Claudia,
 Claudiocestria,
 Clevum,
 Glevum,
 Clausentum,
 Inhabitants of Cathness in
 Scotland, according to
 Camden. Ortelius places
 them more Northward
 than the Carnopacæ, on
 the West-side of Scotland.
 People who Inhabited beyond
 the River Longas, on the
 West-side of Scotland.
 A famous Castle supposed to
 be built by the Romans
 in Glamorganshire.
 The Hundred of Cayshow in
 Hertfordshire.
 The Islands of Sylly.
 The Old City of Veru-
 lam.
 Edenborough City in Scot-
 land.
 Burgh on the Sands in
 Cumberland.
 The Devizes in Wiltshire.
 The River Swale in Rich-
 mondshire.
 Catarick-Bridge.
 The People of Buckingham,
 Bedford and Hertford
 Shires.
 Cawood in York shire.
 See Convennos.
 See Gausennæ.
 Holdernesse in York shire.
 People about Cheshire, as
 Camden supposes.
 Supposed to be the River Keil-
 lan, it rises below Mount
 Grampius in Scotland, &
 falls into the German Ocean
 The River by Tergeny in
 Cornwall.
 Hundreds kelde.
 Chardford in Hantshire.
 Cardiganshire,
 Cerne in Dorsetshire.
 The Inhabitants of Assher-
 shire in Scotland, ac-
 cording to Camden.
 Chertsey in Surrey.
 Hartle-Poole.
 Chester City.
 Kenelworth-Castle.
 Kew in Surrey.
 Chirke in Denbighshire.
 Chichester in Suffex.
 Collerton or Collesford in
 Northumberland.
 Cicester or Cirencester in
 Gloucestershire.
 Shirburne.
 Gloucester City.
 Southampton.

[illegible]

Dorcinia civitas,
Duracastrum,
Hydropolis,
Durobrevum,
Durobriva,

Durocobriva,
Durolenum,
Durolipona,

Durolitum,
Durotriges,

} Dorchester in Oxfordshire.

Rochester in Kent.
Dornford near Walmesford
in Huntingdonshire.
Redburn in Hertfordshire.
Leneham in Kent.
Gormancester in Hunting-
donshire.
Layton in Essex.
People of Dorsetshire.

E.

E Ast-fexena,
E Effexia,
Ebodia,
Eboracum,
Eburacum,
Edmundi Burgus,
Eilecuriana vallis,

Eimotus flu.

Elgorii,¹

Eliensis insula,
Elteshamum,
Ellandunum,

Eminentior,
Eovesum,
Evestamum,
Epeiacum vel
Epiacum,
Etocetum,

Eilimenon Gabrantoni-
corum,
Epidium,

Eubonia,
Evenlodus flu.

Excambium Regium,
Perisilium five
Burfa,
Exa. flu.

Exonia,
Exploratorum Castra,

} Essex.

The Isle of Alderney.

} York City.

St. Edmondsbury in Suffolk.
The Vale of Alisbury in
Buckinghamshire.
The River Eimot in Cum-
berland.
Inhabitants of Lidderdale,
Eufdale, Eskdale, and An-
nandale in Scotland.

The Isle of Ely.
Eltham in Kent.
The old name of Wilton in
Wiltshire.

Eaton-ness in Suffolk.
Evesham or Evesholme in
Worcestershire.

} Pap-Castle in Cumberland.

Ottoxeter in Staffordshire,
according to Camden.

} Everyby in Yorkshire.

Cantyre in Scotland. The
Island that is near Can-
tyre, is likewise called
Epidium.

The Isle of Man.
The River Evenlode in Ox-
fordshire.

} The Royal Exchange in
London.

The River Exe in Devon-
shire.

Excester City in Devonshire.
Burgh upon Sands in Cum-
berland.

F.

F Ala flu.

Falensis portus,
Fanum Albani,
Fanum Iluti,

Fanum Ivonis Persa,
Fanum Leonis,
Fanum Neoti,

Fanum Reguli,
Fanum Stephani,

T HE River Vale in Corn-
wall.

Falmouth in Cornwall.
St. Albans in Hertfordshire.
St. Lantwit in Glamorgan-
shire.

St. Ives in Huntingdonshire.
Leominster.
St. Neots in Huntingdon-
shire.

St. Andrews in Scotland.
Kirdby Stephen in Westmer-
land.

Faustini villa,
Fawenfes,

Fibrilega,
Fibrolega,
Flintia,
Fons Brigida,
Fons clarus,
Fontanensis Ecclesia,
Fretum Britannicum,
Fretum Gallicum,
Fretum Morinorum,
Fromus flu.

St. Edmondsbury in Suffolk.
Inhabitants of Foy in Corn-
wall.

} Beverley in Yorkshire.

Flint-Town.
Bridewell in London.
Shireburn in Dorsetshire.
Wells in Somersetshire.

} The Streight of Calais.

The River Frome in Glou-
cestershire that runs to
Bristol; also another in
Dorsetshire.

G.

G Abrantonicorum,
Salutaris portus,
Gabrantovicorum,
Portuosus finus,
Gabricentum vel
Gabricentum,

Gadenii,

Galva vel
Gallava,
Gallutum vel
Gallagum,
Gallena,

Ganganorum Prom.
Garionopum,

Garrienis vel
Gargenus flu.
Gausenna,

Geldeforda,
Genumia,
Gefforiacum,

Gevini,

Gevissi,

Girvii,
Glamorgania vel
Glamorgantia,
Glasconia,
Glastonia,
Glavorna,
Glevum,
Glocestria,
Glenus flu.

Glotta,

Gloveceastria,
Glovernina,
Gobanium,

Goderici castrum,

Granta,

} Suerby in Yorkshire.

} Gatthead in the Bishoprick
of Durham, hard by New-
Castle.

Inhabitants of Teisdale,
Twedale, Merch and Lo-
thian in Scotland.

} Wallwick in Northumber-
land.

} Whealp or Whealop Castle in
Cumberland.

Wallingford in Berkshire,
on the Borders of Ox-
fordshire.

Lheyne in Carnarvonshire.
Tarmouth in Norfolk, or rather
Burgh-Castle in Suffolk.

} Tare River in Norfolk,

Brig-casterton in Lincoln-
shire.

Guilford in Surrey.
North-Wales.

The Streight between Bri-
tain and the Isle of
Wight.

A River in Wales, that runs
into the River Usk.

People over-against the Isle
of Wight.

Inhabitants of the Fens.

} Glamorganshire.

} Glastonbury in Somersetshire.

} Gloucester.

The Glen in Northumber-
land.

The River Cluyd in Scot-
land; also an Island
now called Arran, lying
in the Bay of Cluyd.

} Gloucester City.

Abergavenny in Monmouth-
shire.

Goodrich Castle in Hereford-
shire.

Cambridge as some think.
Gravefenda,

Gravefenda, } *Gravefend in Kent.*
 Grevæ, }
 Grenovicus, } *Greenwich in Kent.*
 Grenovicum, }
 Greenwicum, }
 Gualæ, } *Wales.*
 Guerfa flu. } *The River Wharf in York-shire.*
 Guldonicus clivus, } *Guy-cliff near Warwick.*
 Guinethia, } *Wales.*
 Guldforda, } *Gildford in Surrey.*
 Gumicafum, } *Goodmancheſter near Hun-*
 Gumicaſter, } *tington.*

H.

Habitancum, } *Riſingham in Northumber-*
 Hadriani murus, } *land.*
 Haga, } *The Picts Wall.*
 Hagulftadia, } *The Hay, or Haſely in Breck-*
 Hagulftadunum, } *nockſhire.*
 Halenus, } *Auſton upon Tyne in Nor-*
 Hamptunia, } *thumberland.*
 Hanſus flu. } *Hexam in the Biſhoprick*
 Hantonia, } *of Durham.*
 Harefordia, } *River Avon in Hampſhire.*
 Haſtingæ, } *Southampton in Haſtſhire.*
 Hebrides, } *The River Hans in Stafford-*
 Helenum prom. } *ſhire.*
 Heliſe cænobium, } *Haſtſhire.*
 Henlega, } *Hereford City.*
 Herculis prom. } *Haſtings in Suffex.*
 Herefordia, } *A Cluster of Iſles that*
 Hertfordia, } *lie on the Weſt-side of*
 Hertfordiæ comitatus, } *Scotland.*
 Heſperides, } *The Lands end.*
 Hibernia, } *Ely City in Cambridgſhire.*
 Hincheſega, } *Henley upon Thames.*
 Hiſthius portus, } *Herley Point in Devonſhire.*
 Hodneius flu. } *Hereford City in Hereford-*
 Hollandia vel } *ſhire.*
 Hoilandia, } *Hertford.*
 Homelea flu. } *Hertfordſhire.*
 Hroſi civitas, } *The Sorlings or Scilly Iſles.*
 Humber flu. } *Ireland.*
 Hundefdena, } *Hinkeſey near Oxford.*
 Hunſdonæ, } *Hith in Kent.*
 Hungreforda, } *The Hodney in Brecknock-*
 Huntingdonia, } *ſhire.*
 Huntingdonenſis ager, } *Holland, a part of Lincoln-*
 Hurſtelega, } *ſhire.*
 Hwicci, } *The River Humble over-*
 Hydropolis, } *againſt the Iſle of Wight,*
 Hymbronens, } *in Haſtſhire.*
 } *Rocheſter in Kent.*
 } *The River Humber in York-*
 } *ſhire.*
 } *Hunſdon in Herefordſhire.*
 } *Hungerford in Berkſhire.*
 } *Huntington Town.*
 } *Huntingtonſhire.*
 } *Hurſtley.*
 } *People of Worceſterſhire,*
 } *and about Severn.*
 } *Dorcheſter in Oxfordſhire.*
 } *People of Northumberland.*

I.

Jameſa, } *The Thames according to*
 Iamiffa, } *Ptolomy.*
 Iccius portus, } *Calis Wiſhland.*
 Inceni, } *People of Suffolke, Norfolk,*
 } *Cambridge and Hun-*
 } *tington ſhires.*
 Iciani vel } *Ichborow in Norfolk.*
 Ifianos, } *The Iſle of Wight.*
 Iſta, } *The River Stone.*
 Idumania, } *The River Blackwater in*
 Idumanum æſtuarium, } *Eſſex.*
 Idumanus flu. } *Larrow in the Biſhoprick of*
 Ingridum, } *Durham, where Beda*
 } *flouriſhed.*
 Inſula, } *Egneſham or Eniſham in Ox-*
 } *fordſhire.*
 Inſula ſitum, } *The little Iſle of Silley in*
 } *Severn.*
 Inſula veſta, } *The Iſle of Wight.*
 Veſtis veſteſis, } *Twinburne in Dorſet-*
 Interamna, } *ſhire.*
 } *Chriſt-Church in Haſtſhire.*
 Iſaca vel } *The River Exe in Devon-*
 Iſca, } *ſhire.*
 Iſcannavantia, } *Northampton, or rather We-*
 Iſcannavaria, } *don on the Street in Nor-*
 Iſcannavatia, } *thamptonſhire.*
 Iſca Danmoniorum, } *Exceſter City.*
 Iſca, legio Auguſta, } *Cuerleon City in Glamorgan-*
 Iſca legua Auguſti, } *ſhire.*
 Iſchalis, } *Welcheſter, commonly cal-*
 } *led Ilcheſter in Somerſet-*
 } *ſhire.*
 Iſidis inſula, } *Ouſney by Oxford.*
 Iſidis vadum, } *Oxford or Oxford.*
 Iſis flu. } *The River Iſis by Oxford.*
 } *The Ouſe that runs by Buck-*
 } *ingham.*
 } *Another Ouſe that runs by*
 } *York.*
 } *Torkſhire.*
 Iſuria, } *Aldburgh or Oldburrow in*
 Iſurium, } *Torkſhire.*
 } *Viſtan or Whitſan near Cal-*
 } *is in France.*
 Itium Gallia, } *The River Eden in Weſtmer-*
 } *land and Cumberland.*
 Ituma flu. } *The River Eden, or Solway*
 } *Frith in Scotland.*
 Itunna, } *A Highway not far from*
 } *Carleon in Wales.*
 Julia ſtrata, } *K.*

K.

Kanus flu. } *The Kin in Weſtmerland.*
 Keneta flu. } *The River Kennet in Wilt-*
 } *ſhire.*
 Keresburga, } *Carisbrook-Caſtle in the*
 } *Iſle of Wight.*
 Keſtevena, } *Keſteven, a part of Lin-*
 } *colnſhire.*
 Kinebantum caſtrum, } *Kimbolton-Caſtle in Hun-*
 } *tingtonſhire.*

L

L Actodorum, } Lutterworth or Loughbo-
 Lactodurum, } rough,
 Lactorodum, } Bedford.
 Lactorudum, } Stony-Stratford.
 Lagecium, } Calleford near Pomfret in
 } Yorkshire.
 Lamitha, } Lambeth in Surrey near
 } London.
 Lancastria, } Lancaster-Town.
 Lancastrensis Comitatus, } Lancashire,
 Landava, } Landaffe in Wales.
 Langanum prom. } Lheyn Promontory in Car-
 } narvonshire.
 Levatres, }
 Levatres, } Browes upon Stanemore in
 Levatris, } Richmondshire.
 Levatris, }
 Lea flu. } The River Lea in Hertford-
 } shire.
 Legecestria, } The Town of Leicester in
 Legacestria, } Leicestershire.
 Legio 2. Augusta, } Carleon in Wales.
 Legio 6. Nicephoria, }
 Legio 6. Victrix, } York City.
 Legio 20. Victrix, } Chester City.
 Legra, } The River at Leicester.
 Lemaus portus, } Lime in Kent.
 Lemani, } Lime-hill or Lime in Kent.
 Leogoria, } Leiceſter in Leicestershire.
 Leonenſe canobium, }
 Leovenſe, } Lemſter in Herefordshire.
 Leovenſe, }
 Leonis Monaſtrium, }
 Leonis caſtrum, } Lyons, alias Holt-Caſtle in
 } Denbighſhire.
 Levarum, } Loghor in South-Wales.
 Lhoegria, } England.
 Lichfeldia, } Lichfield.
 Lidforda, } Lidford in Devonſhire.
 Liddenus, } The River Ledden in He-
 } reſfordſhire, by Malvern-
 } Hills.
 } The River Rother.
 } The Iſle of Ramſey.
 } Lime-houſe near London.
 } Shirwood Foreſt in Notting-
 } hamſhire.
 } Lincoln City.
 } Holy-Iſland or Farn-Iſle on
 } the Coaſt of Northumb.
 } The River Witham in Lin-
 } colnſhire.
 } Lincolny, a third part of
 } Lincolnſhire.
 } Lincoln City.
 } Linne in Norfolk.
 } An Iſle called Gulſe, near
 } the utmoſt part of Corn-
 } wall.
 } A River which is the
 } Weſtern Limit of Glamor-
 } ganſhire.
 } The People who Inhabited
 } from Mount Grampius to
 } the German Ocean, by the
 } Merta in Scotland.

Longhas,

A River on the Weſt-ſide of
 Scotland, that falls into
 the Weſtern Ocean, is
 called Logh. Longhas.

Lomithis vel

} Lambeth in Surrey.

Lonuthis,

Londinium,

Londinium,

Londinia,

Londonia,

Lundonia,

Loncaſtria,

Longovicium,

Loxa,

Lugas,

The River Lug in Hereford-
 ſhire.

Lucopibia,

Luguballia,

Luguballum,

Lugavallum,

Lychefeldia,

} Carlſe City in Cumber-
 } land.

} Lichfield City in Stafford-
 } ſhire.

M.

Maydſton in Kent.

M

Magæ,

Magi,

Mageseta,

Magnitum,

Magioninium,

Magiovinium,

Magiovintum,

Maglova,

Maglona,

Magna,

} Old Rudnor,
 } People of Radnorſhire.

} Dunſtable in Bedfordſhire.

} Macleuth in Montgomer-
 } ſhire.

} Cheſter in the Wall near to
 } Haltweſſell in Northum-
 } berland.

} Portſmouth or Porcheſter.

Magnus portus,

Maidulphi curia,

Maidulphi urbs,

Maldunenfes Monaſte-
 } rium,

Maldunenfes,

Maldunenfes,

Maldunenfes,

Maldunenfes,

Maldunenfes,

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Maldunenfes,

Maldunenfes,

Maldunenfes,

} Malmesbury in Wiltſhire.

} Ilſtreet in Cheſhire.
 } Bromfield in Denbighſhire.

} Malverne in Worceſterſhire.

} Malpas in Cheſhire.

} Mancheſter in Lancaſhire.

} Mancheſter in Warwick-
 } ſhire.

} The Iſle of Man.

} People of that Iſland.

} Man-Caſtle in Lancaſter.

} The Britiſh Sea.

} The Severn Sea.

} A place near Belvoir-Caſtle
 } in Lincolnſhire.

} Carmarthenſhire.

} The People of that Shire.

} Carmarthen Town.

} Maſham-Bridge in York-
 } ſhire.

} St. Mawes-Caſtle in Corn-
 } wall.

} Maldon in Eſſex.

} People of part of Hantſhire.

Meata,

Meata,	People of Northumberland about the Wall.	Neomagus vel Noviomagus,	According to Llhuid is Guilford, according to Talbat, Croydon, by Cunden and Somner, Woodcot about Croyford.
Mea uari,	Meanborow, also Eastmean and Westmean Hundreds in Hantsire.		
Medeguaia flu.	The River Medway in Kent.		
Medena,	New-Port in the Isle of Wight.	Neoportus, Neoportus Paganellus,	Newport. Newport Paganell in Buckinghamshire.
Mediolanium, Mediolanum,	Middleham in Yorkshire. An old Town in Montgomeryshire.		
Mediterranei, Angli,	Staffordshire-men.	Nidum, Nidus, Nigra, Nivicollini,	Neath in Glamorganshire. Blackney in Norfolk. Snowden Hills in Carnarvonshire.
Medvaga, Melanclani, Meldunum, Menavia, Menevia, Mercia, Mercii, Merionethia, Mervina, Merfia, Merlebrigia, Metaris astuarium, Mevania, Michelnia, Middlesexia, Mittordia,	The River Medway in Kent People of Silley. Malmesbury in Wiltshire. The Isle of Man. St. Davids in Wales. Middle England. Middle Englishmen. Merionethshire. The River Mersey in Cheshire. Marleborough. The Washes in Norfolk. The Isle of Man. Michelney in Somersetshire. Middlesex. Milford in Northumberland.	Nordumbra, Nordovolca, Nordoleia, Northanimbria, Northantonla, Northantonienfis ager, Northimbria, Northumbria, Nortolricum, Nordoricum, Nottinghamia, Nottinghamienfis ager, Novantium prom. Novantii,	Norfolk. Northumberland, Northampton, Northamptonshire. Northumberland. Norton-Hall in Yorkshire. Nottingham. Nottinghamshire. Cockermouth. The Inhabitants of Galloway in Scotland.
Molis flu. Mona, Monabia,	The Mole in Surrey. The Isle of Anglesey. The Isle of Man, according to Pliny. Battell Abbey. Meaux Abbey in Yorkshire. Monmouth. New-Castle in Northumberland.	Noviodunum, Novius, Novus Burgus, Novum castellum,	Newenden in Kent upon the Rother. Conwey. Newport in the Isle of Wight. New-Castle in Northumberland.
Monasterium de Bello, Monasterium de Mella, Monmuthia, Monochapolis.	The Isle of Man, according to Ptolemy. Montacute in Somersetshire. Richmond in Surrey. Montgomery in Wales. St. Michaels Mount in Cornwall. Montrose in Scotland.	Novum forum, Novum mercatum, Novus portus, Nubiria, Nulla ejusmodi, Nulli par, Nulli secunda,	New-Market in Suffolk. New-Port. Newberry in Berkshire. Nonfuch in Surrey.
Monoeda, Mons acutus, Mons dives, Mons Gomericus, Montgomeria, Mons Michaelis,			
Mons rosarum, Monumetha, Monumethia, Morbium, Moricamba, Moricambe astuarium, Moridunum, vel Ridunum, Mortuus Lacus, Muridunum, see Maridunum, Munus,			
Murimintum, pro Murivindum,			
N			
N Auctia, Nauticus sinus,	Naseby in Northamptonshire. Reather or Rotherbith, vulgarly called Redriff.	Oceanus virgivius, Occidentales Britones, Occidua wallia, Occellum prom. Ockhamptonia, Ocrinum prom. Ostipitarum prom. Olenacam, Olicana, Ordevices, Ordovices, Orellii, Orrea, Orus flu. Ofca flu. Othona,	The Virgivan or Western Ocean. Western Britains, or Inhabitants of Cornwall. Cornwall. Holderneffe, also Kelnefy in Yorkshire. Ockhampton in Devonshire. The Lizard Point in Cornwall. St. David's Head in Pembrokehire in Wales. Edenborow in Cumberland. Ilkely, also Hallifax, both in Yorkshire. People of North-Wales. Inhabitants of Argile and Perth in Scotland. A Town on the North of the River Tay in Scotland. The River Ore in Suffolk. The River Uske in Wales. Ithancester in Essex.

Ottadeni,
Ottadini,
Ottalini,
Ottatini,
Ottaforda,
Ovinia insula,
Osenforda,
Oxonia,
Oxonium,
Oxinaga.
Oza,

People of Northumberland.

Oxford in Kent.

The Isle of Shepey in Kent.

Oxford City.

Oxney Isle in Kent.

The River Ouse.

P.

Palus falsa,
Parathalassia,
Pariti,
Pegelandia,

Penbrochia,
Pendinas,

Penguernum,
Penhinnia,

Pennocrucium,
Pennorinum,
Pente flu.
Perfcora,
Perfora,
Peterillus,
Peterus flu.
Petriburgus,
Petropolis,
Petuaria vel
Petuaria Parisiorum,
Pevensea,
Pictavia,
Picti,

Placentia,

Plinlimonia,

Pontes,

Pons Burgensis,
Ad Pontem,
Pons Aëli,

Pontus flu.

Portesmutha,
Portlandia,
Portania insula,
Portus magnus,
Portus osium,
Portus salutis,
Powisia,
Prasidium,
Pratorium,
Procolitia,
Protolitia,
Profundum vadum,
Putenega,

Pulchely in Carnarvonshire.
Walsingham in Norfolk.
People of Holderness.
Peckirke not far from Crow-
land.

Pembroke in Wales.

Pendennis-Castle in Corn-
wall.

Shrewsbury-Town.

A place in Merioneth-
shire, where is the Lake
Tagit, whence rises the
River Dee.

Penkridge in Staffordshire.

Penrin in Cornwall.

The River Pant in Essex.

Pershore in Worcesterhire.

The Peterill in Cumberland.

Peterborow City in Nor-
thamptonshire.

Bevely in Yorkshires.

Pevensey in Suffex.

The Country of the Picts.

The Picts, a People of Bri-
tain.

The Royal Palace at Grech-
wich.

A high Mountain in Wales,
whence Severn, Wye, and
Rydol, take their rise.

Reading in Berkshires, also
Colebrook in Buckingham-
shire.

Barrowbridge in Yorkshires.

Pauntton in Lincolnshire.

Pont-Eland in Northumber-
land.

The Pont in Northumber-
land.

Portesmouth in Hantsire.

Portland Isle.

Portsmouth or Portcheßer.

Cromarty.

Powys, a part of Wales.

Warwick Town.

Patrington in Yorkshires.

Prudhow, or Prodhaw Castle
in Northumberland.

Depeford.

Putney in Surrey.

R.

Radnor in Radnorshire.

R Adnoria,

Raga,
Ragæ,
Ragancia,
Ramesburia,
Rata,
Rata stabius flu.

Readingum,

Regiodunum,

Hullinum,

Regiodunum,

Regis Burgus,

Regni,

Regni Sylva,

Regulbium,

Repandunum,

Rhedus flu.

Rhemnius,

Rhibellus flu.

Ritubi portus,

Rhutubi portus,

Rhutupia statio,

Rhitupis portus,

Rutupius portus,

Rhobogdium prom.

Rebodunum,

Richmundia,

Richmondia,

Ripadium,

Ripodum,

Robertinus pons,

Rodecotanus pons,

Roibis,

Roffa,

Roffia oppidum,

Roffia,

Ragnitania,

Ruitonia,

Rutunia,

Ruber clivus,

Rupis aurea,

Ruthunia,

Rutlandia,

Rutunium,

Rutupia,

Rutupirum littus,

Ratford or Ratford.

Ralegh in Essex.

Ramesbury in Wiltshire.

Leicester Town.

The Taffe in Glamorgan-
shire.

Reading in Berkshires.

Kington upon Hull in York-
shire.

Kingston upon Thames.

Queenborow in Kent.

People of Surrey, Suffex,
and the Sea Coasts of
Hantsire.

Ringwood in Hampshire.

Reculner in Kent.

Repton in Derbyshire.

The Read in Northumber-
land.

The River Remny in Gla-
morganshire.

The Ribell in Lancaster.

Reptacester, Ruptimuth, Rich-
berg, now Richborow, near
Sandwich in Kent.

Fair foreland.

Riblecheßer in Lancashire.

Richmund in Yorkshires, also
the same in Surrey.

Reppon in Derbyshire.

Rippon in Yorkshires.

Rother-Bridge in Suffex.

Radcot-Bridge on the River
Isis in Oxfordshire.

Rochester City in Kent.

Roylston in Cambridgeshire.

Rosse-Land in Cornwall, and
Rose in Pembrokehire.

Riton upon Dunsmore in War-
wickshire.

Redcliffe near London, vul-
garly Ratcliffe.

Goldcliffe in Monmouth-
shire.

Ruthin in Denbighshire.

Rutlandshire.

Rowton in Shropshire.

Richborow near Sandwich
in Kent.

The Foreland in Kent.

S. Sabaudia,

S

Sabaudia,
Sabiana vel
Sabina,
Sabulovicum,
Sacræ insula,

Sacræ sylva,
Salena,
Salina,
Salisbury,
Salisbury,
Salopesbura,
Salopia,
Salopia comitatus,
Saltria,
Sandicum,
Sandovicus,
Sanvicum,
Sarnia,
Saverna,
Sceptonia,
Schellæga,
Schirburnia,
Scona,
Scoti,
Scotia,
Scorberia,
Soorbesberia,
Sebastia, altera,
Legio,
Secundunum,

Segedunum,
Segelocum,
Segelogum,
Segontium,
Seguntium,
Selburgi tumulus,
Seolefia,
Setantiorum Palus,
Seteia æstuar,
Severia,
Sharpnoria,
Shenum,
Sigdeles,
Sillina insula,
Silefia,
Silura,
Silures,
Sinnodunum,
Sitomagus,
Simomagus,
Sinomagus,
Slepa,

The Savoy in London.

The River Severn.
Sandwich in Kent.
Holy Isle by Northumber-
land.

Halifax in Yorkshire.

Saludy in Bedfordshire.

Salisbury City in Wiltshire.

Shrewsbury.

Shropshire.

Sawtry in Huntingdonshire.

Sandwich in Kent.

Garnsey Island.

The Severn.

Shaftsbury in Dorsetshire.

Chelsey by London.

Shirburn in Dorsetshire.

Scone in Scotland.

Scots.

Scotland.

Shrewsbury Town.

Liskard in Cornwall.

Seckington in Warwick-
shire.

Seghill in Northumberland.

Aulert in Shirewood in Not-
tinghamshire.

Agle in Lincolnshire.

Littleborow in Nottingham-
shire.

Caer-sejont near Carnarvon-
Town.

Silchester in Hampshire.

Selbury Hill in Wiltshire.

Sealsey or Selsey in Sussex,
whence the best Cockles.

Winander Meere in Lanca-
shire.

Dee-mouth.

Salisbury City.

Sharpnoria in the Isle of
Wight.

Shene or Richmond in Sur-
rey.

The Isles of Scilly.

Sealsey or Selsey in Sussex,
sometimes a Bishop's See.
The little Isle of Silley in
Severn, as Camden
thinks.

People of South-Wales.

Sinnodun-Hill near Walling-
ford in Berkshire.

Thetford in Norfolk.

The old Name of St. Ives in
Huntingdonshire.

Snawdonia,

Somridunum,
Somersetensis comita-
tus,

Somertunensis comita-
tus,

Sorbidunum,

Sorviodunum,

Sorviodunum,

Southamptonia,

Southeria,

Surria,

Southerlandia,

Southria,

Southiana,

Southregienles,

Southsexena,

Southsexia,

Southwell,

Spinorum insula,

Spina,

Staffordia,

Stanfordia,

Stenum,

Stourus,

Stringulia,

Strivillina,

Stucia vel

Stucia flu.

Sturodunum,

Sturus flu.

Sulcalva flu.

Sudoverca,

Suffolcia,

Suffolcia,

Sullomacx,

Sullonica,

Sunningum,

Salinnos insula,

Snowdown Forest in Car-
narvonshire.

Somerton in Lincolnshire.

Somersetshire.

Old Salisbury.

Southampton.

The County of Surrey.

Southerland in Scotland.

Surrey.

People of Surrey.

The County of Suffex.

Southwell in Nottingham-
shire.

Thorney Isle the old Name
of Westminster.

Newberry in Berkshire, and
Spiny near Newbury.

Stafford Town.

Stanford in Lincolnshire.

Stone in Northamptonshire.

The River Stour in Kent,
in Dorsetshire, in Sul-
folk.

Chepflow in Monmouth-
shire.

Sterling in Scotland.

Yfwith in Cardiganshire.

Stourton and Stourminster
in Dorsetshire.

The Stoure in Derbyshire.

The Swale in Yorkshire.

Southwark.

Suffolk.

Brookley-Hill near Ellestre
in Hertfordshire, also Bar-
net or Edgworth Shetney.

Sunning by Reading.

Salme Isle not far from
Milford Haven.

Taffus flu.

Taizalos & Vernicones,

Tama flu.

Tama oppid.

Tamara flu.

Tamawordina,

Tamara oppid.

Tamisis,

Tanfelta,

Tava,

Tavistokia,

The Taffe in Glamorgan-
shire.

People of Northumber-
land.

The River Tame in Oxford-
shire, another in Stafford-
shire.

Tame, a Town in Oxford-
shire.

The River Tamar in Corn-
wall.

Tamworth in Stafford-
shire.

Tamarton in Cornwall.

The Thames.

Tanfield in Yorkshire.

The River Tay in Scot-
land.

Tavestock in Devonshire.

Tedfordia, Teeſis & Teefa, Tegauſ Lacus,	<i>Thetford in Norfolk.</i> } <i>The River Tees in the Biſhoprick of Durham.</i> <i>The Lake Tagit or Pemble Meere in Merionithſhire in Wales.</i> <i>The River Trent.</i> <i>Tedbury in Glouceſterſhire.</i> <i>The River of Thames.</i>	Vallum, Vandalis flu.	<i>The Piſſis Wall.</i> <i>The River Wandle in Surrey.</i> <i>Wandelsbury, a Fort on the Hills near Cambridge.</i> <i>Wantage in Berkhſhire.</i> <i>The Frome at Dorcheſter in Dorſetſhire.</i> <i>Boduary in Flintſhire.</i>
Terentus flu. Tetocuria, Thamiſis, Thanaton } inſula, Thanatos } Theobaldenſes axes,	} <i>The Iſle of Tanet in Kent.</i> <i>Theobalds Houſe in Hertfordſhire.</i> <i>Wells in Somerſetſhire.</i> } <i>Tewksbury in Glouceſterſhire.</i> <i>The Bath City.</i> <i>The River on which Thetford ſtands.</i> <i>Thong-Caſtle in Lincolnſhire.</i> <i>Taunton in Somerſetſhire.</i> <i>Thornege, the old Name of Weſtminſter.</i> <i>Thorney in Cambridgeſhire.</i> <i>Tichfield in Hantſhire.</i> } <i>The River Tine in Northumberland.</i> <i>Wincheſter in the Wall.</i> <i>Tinmouth in Northumberland.</i> <i>Tintagell in Cornwall.</i>	Varis, Veſta, Veſteſis, Viſteſis, Venantodunia, Venantodunum, Venatorum mons, Venedotia, Venta Belgarum, Venta Icenorum, Venta ſilurum,	} <i>The Iſle of Wight.</i> <i>Huntingtonſhire.</i> } <i>Huntington Town.</i> <i>North Wales.</i> <i>Wincheſter in Hantſhire.</i> <i>Cafter near Norwich.</i> <i>Caer-went in Monmouthſhire.</i> <i>Warmiſter in Wiltſhire.</i>
Thongum, Thonodunum, Thornega,	<i>Thornes in Weſtminſter.</i> <i>Thorney in Cambridgeſhire.</i> <i>Tichfield in Hantſhire.</i> } <i>The River Tine in Northumberland.</i> <i>Wincheſter in the Wall.</i> <i>Tinmouth in Northumberland.</i> <i>Tintagell in Cornwall.</i>	Verlucio, Vernemetum, Vernometum, Verometum, Verolamium, Virolamium, Verulamium, Verovicum, Veteleganus pont,	} <i>Burrow-Hill in Leiceſterſhire.</i> } <i>Verulam City near St. Albans in Hertfordſhire.</i> <i>Warwick Town.</i> <i>Wheatly-Bridge near Oxford.</i> <i>Burgh upon Stanemore in Weſtmerland.</i> <i>Watling-ſtreet way.</i> <i>Juellmouth in Somerſetſhire.</i>
Tintagium, Tiliapis, Toliatſis, Torceſtria,	} <i>The Iſle of Sheppey in Kent.</i> <i>Towceſter in Northamptonſhire.</i> <i>Totneſſe in Devonſhire.</i> <i>The River Trent.</i> <i>London.</i> <i>The River Trent.</i> <i>Atterith, a Town in Scotland.</i>	Vertera, Vertilingiana via, Vexala,	<i>Namptwich in Cheſhire.</i> <i>Standrop in the Biſhoprick of Durham.</i> <i>Worceſter City.</i> <i>St. Edmundsbury in Suffolk.</i> <i>Wiltſhire.</i>
Totoneſium, Trehenta, Trenouantum, Trenta, Trimontium,	} <i>People of Middleſex & Eſſex</i> <i>Towceſter in Northamptonſhire.</i> <i>The River Teſe that runs into Southampton-Bay.</i>	Vic Malbanus, Vic ſaxeus,	} <i>Wincheſey in Suffex.</i> <i>Old Wincheſey.</i> <i>Windſor in Berkhſhire.</i> } <i>Walls-end in Northumberland.</i> } <i>Wimburne in Dorſetſhire.</i>
Trinoantes, Trinobantes, Trinovantes, Tripontium,		Vilagiana provincia, Vinchellega, Vindagora, Vindelſis, Vindelſora, Vindobala, Vindomora, Vindogladia, Vindugladia, Vindolana,	<i>Old Wincheſter in Northumberland.</i> } <i>Silcecaſtre in Hantſhire.</i> <i>Vandales in the Biſhoprick of Durham.</i>
Trifantona,		Vindonum, Vindonus, Vindugleſſus,	
Trifanton, Trifantonis portus, Tueſis, Tunnocellum, Tunocellum, Turobius,	} <i>Southampton.</i> <i>Berwick upon Tweed.</i> } <i>Tinmouth in Northumberland.</i> <i>The River Teivi in Wales.</i>	Virecinum, Virecium, Viridis ſinus, Viroidum,	} <i>Wroceſter in Shropſhire.</i> <i>Greenwich.</i> <i>Werewic upon Eden near Carlisle in Cumberland.</i> <i>Glaſtonbury in Somerſetſhire.</i> <i>Selfey.</i> <i>Elmeſly in Yorkſhire.</i> <i>The River Humber in Yorkſhire.</i> <i>Cotſwold in Glouceſterſhire.</i> <i>Boſman.</i> <i>Falmouth in Cornwall.</i> <i>Fulham in Middleſex.</i> <i>Old Perith in Cumberland.</i> <i>Forval in Yorkſhire.</i>
V		Vitreia inſula, Vituli inſula, Ulmetum, Umber flu.	<i>Uſoconha,</i>
VAdam pulchrum, Vaga flu.	<i>Fairford in Glouceſterſhire.</i> <i>The River Wye in Herefordſhire.</i> <i>Wrotham in Kent.</i> <i>Maidſtone in Kent.</i> <i>Golden Vale in Herefordſhire.</i> <i>The Vale of the Croſs in Denbighſhire.</i>	Valdia, Voliba, Voluba, Volucrum domus, Voreda, Univallis,	
Vagniacæ, Vagniacum, Vallis aurea, Vallis crucis,			

Ufocoana,
Uxela,
Uzella,
Uzela æstuarium,

Okenyate in Shropshire.
Crekeborne-well.
Leſtybiell in Cornwall.
Juel-mouth in Somerſet-
ſhire.

W.

Wakefeldia,
Waldena,
Wallia,
Wara,

Wakefeld in Yorkſhire.
Saffron-Walden in Eſſex.
Wales.
The Town of Ware in Hert-
fordſhire.

Warwicana pro-
vincia,
Warwici Comitatus,
Wiablaia,

} Warwickſhire.

Webly Town in Hertford-
ſhire.
Wells City in Somerſetſhire.
Wincheſter City.
Weſtbury near Briſtol.

Wella,
Wentana civitas,
Weſtberia,
Weſtmaria,
Weſtmoria,
Weſtmorlandia,
Weſtmonaſterium,

} Weſtmerland.

Weſtminſter City.

Wetha,
Wichcombia,

Wichum,
Wiccia,
Wigornia,
Wiltonia,
Wimundhamia,
Winburna,
Wincelcumba,
Winchelcumba,
Windeſora,
Windleſora,
Windeſoria,
Witleſia,

The Iſle of Wight, according
to W. Malmesbury.
Wickham in Buckingham-
ſhire.
Wich in Worceſterſhire.
Worceſterſhire.
Worceſter City.
Wiltſhire.
Wimundham in Norfolk.
Winburne in Dorſetſhire.
Wincombe in Glouceſter-
ſhire.

} Windſor in Berkſhire.

Wittleſey in Huntingdonſhire.

Y.

Yarum,
Garienis,
Garienus,
Yarmuthia,
Jernmuthia,
Garanonum,
Garienis oſtium,

Yare in Yorkſhire.
} Yare River in Norfolk.
} Yarmouth in Norfolk.

F I N I S.

6151100

ELLERBROOK
INTER-
PRETER

